

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S.; and JOHN AND MARY)	
ELLEN S., on behalf of their daughter,)	CIVIL ACTION NO. 04-150E
LEIGH ANN S., a minor)	
)	
Plaintiffs,)	
)	Electronically Filed
v.)	
)	
GIRARD SCHOOL DISTRICT;)	Honorable Sean J. McLaughlin
ROBERT SNYDER, Individually)	
and in his capacity as Principal of)	
Rice Avenue Middle School; and GREGORY)	
YARBENET, a professional employee)	
of the Girard School District)	
)	
Defendants,)	

**APPENDIX TO BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT FOR
PLAINTIFFS AGAINST DEFENDANT GREGORY J. YARBENET**

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S; and JOHN and :
MARY ELLEN S., on behalf :
of their daughter, LEIGH :
ANN S., a minor, :
Plaintiffs :

vs. : Civil Action No. 04-150E

GIRARD SCHOOL DISTRICT; :
ROBERT SNYDER, : HONORABLE SEAN J. MCLAUGHLIN
Individually and in his :
capacity as Principal of :
the Rice Avenue Middle :
School; and GREGORY :
YARBENET, a professional :
employee of the Girard :
School District, :
Defendants : Jury Trial Demanded

VOLUME I

Deposition of STACY S [REDACTED], taken before and
by Carol A. Holdnack, RPR, Notary Public in and for
the Commonwealth of Pennsylvania, on Tuesday,
March 15, 2005, commencing at 10:15 a.m., at the
offices of Knox McLaughlin Gornall & Sennett, P.C.,
120 West Tenth Street, Erie, PA 16501.

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Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 94</p> <p>1 attended that one and suggested that I join the TV studio.</p> <p>2 Q. Okay.</p> <p>3 A. And the gifted coordinator thought that that would</p> <p>4 be a good idea, and they decided that it would help me make</p> <p>5 friends. And so they switched me almost immediately to his</p> <p>6 homeroom instead of Mrs. Turton's.</p> <p>7 Q. Were you having some trouble making friends in</p> <p>8 school, Stacy?</p> <p>9 A. I'm not a social butterfly.</p> <p>10 Q. It's not unusual for bright kids.</p> <p>11 A. I do not -- I don't like to be around a lot of</p> <p>12 people. Small groups are okay. I had a small group of</p> <p>13 friends, but they seemed to think that I needed more.</p> <p>14 Q. And it was stated to you that possibly getting</p> <p>15 involved with the TV studio might be helpful with</p> <p>16 socialization?</p> <p>17 A. Right.</p> <p>18 Q. I'm looking, again, at the second page of your</p> <p>19 statement. About a third of the way down the page it says,</p> <p>20 "Seventh grade started well and without incident. When</p> <p>21 parent/teacher conferences and my IEP, Individual Education</p> <p>22 Plan, came in the late fall, my mother and Mrs. Werling were</p> <p>23 speaking and sent a student to get me. I was showing</p> <p>24 parents around the school at the parent/teacher conferences.</p> <p>25 And I was in Mr. Yarbenet's room with a bunch of other</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Did other students in the TV studio group receive</p> <p>2 presents?</p> <p>3 A. Yes.</p> <p>4 Q. All right. Did he give one to each of the</p> <p>5 students in that group?</p> <p>6 A. I believe he did. I don't know what the others</p> <p>7 were.</p> <p>8 Q. You go on to state here in Exhibit 1 on Page 3, "I</p> <p>9 don't remember when it started, but during this time he had</p> <p>10 begun calling me daily, and through Christmas break he</p> <p>11 called at least once every day." Are you talking about on</p> <p>12 the telephone?</p> <p>13 A. Right.</p> <p>14 Q. So was he calling you in the evening, Stacy?</p> <p>15 A. Not always in the evening. During the day as</p> <p>16 well.</p> <p>17 Q. Okay. Where you say, "He began calling me daily,"</p> <p>18 is that before Christmas break or during Christmas break?</p> <p>19 A. During Christmas break.</p> <p>20 Q. I see. Sometimes he would call you more than once</p> <p>21 a day.</p> <p>22 A. Right.</p> <p>23 Q. What did you talk about?</p> <p>24 A. He always had the guise of asking me to measure</p> <p>25 snow so that he could report snowfall to one of the news</p>
<p style="text-align: right;">Page 95</p> <p>1 students taking a break. He asked me if he could go along,</p> <p>2 and I said no, but he followed me after a couple of minutes.</p> <p>3 He suggested to them I join his TV studio cast, slash, crew.</p> <p>4 It was a, quote, audio/visual club, close quote, equivalent</p> <p>5 which broadcast the morning announcements. They talked me</p> <p>6 into joining and it sounded pretty interesting."</p> <p>7 That's what you're describing on how you got to be</p> <p>8 involved in the TV studio crew, correct?</p> <p>9 A. Right.</p> <p>10 Q. All right. "Through December Mr. Yarbenet seemed</p> <p>11 a bit different. He explained that his first wife Trudy had</p> <p>12 died in December." And then there's a long line, either a</p> <p>13 blank or a dash -- "on the 7th. After the 7th he did not</p> <p>14 get better, only more withdrawn. Around a week or just a</p> <p>15 few days before Christmas vacation he gave everyone in</p> <p>16 the" --</p> <p>17 A. "TV studio."</p> <p>18 Q. Thank you. "A gift. One girl got a stuffed</p> <p>19 animal, another some candy, and one boy received a hat. His</p> <p>20 gift to me was a gold bookmark --</p> <p>21 A. Yes.</p> <p>22 Q. -- "with a heart on it. He was careful to explain</p> <p>23 that these were not Christmas presents, but just because he</p> <p>24 felt like it." Did I read that correctly?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 97</p> <p>1 stations. But he would talk about being very depressed and</p> <p>2 wanting to end his life. Well, yeah.</p> <p>3 Q. He would talk about thoughts of suicide.</p> <p>4 A. Right.</p> <p>5 Q. Did you talk to your mom or your dad or any other</p> <p>6 adult about the personal aspects of these calls?</p> <p>7 A. No.</p> <p>8 Q. Okay. You go on to say, "Usually had an excuse in</p> <p>9 case someone else answered the phone. He would ask me to</p> <p>10 measure the snow or something. On these calls he told me</p> <p>11 that the gifts were going-away presents and that he would</p> <p>12 not be back after break because he was going to commit</p> <p>13 suicide." Which is what you just explained to me.</p> <p>14 "Mr. Yarbenet even told me that his wife Liz had</p> <p>15 noticed him acting strangely and confronted him about it.</p> <p>16 They both helped on a prevention team, and she was seeing</p> <p>17 the symptoms in him. He said he had done a good job" --</p> <p>18 A. "And thrown her off his track."</p> <p>19 Q. -- "and thrown her off his track. I don't</p> <p>20 remember actually resolving this problem, which now makes me</p> <p>21 wonder if it ever was a problem. Just before break he told</p> <p>22 me he loved me and continued to do so when he would call."</p> <p>23 Did you tell anyone about his professing of love</p> <p>24 for you?</p> <p>25 A. No.</p>

25 (Pages 94 to 97)

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<p style="text-align: right;">Page 98</p> <p>1 Q. How about any of your school friends; was there</p> <p>2 any other student in whom you confided?</p> <p>3 A. No.</p> <p>4 Q. You go on to state, "In February of this year" --</p> <p>5 and that's still your seventh grade year, Stacy?</p> <p>6 A. Right.</p> <p>7 Q. -- "we, the TV studio, took a field trip to</p> <p>8 Channel 12 News station. The 4th, I believe. After</p> <p>9 visiting there, we stopped at Arby's for dinner. And</p> <p>10 instead of letting me sit with the other kids, he made me</p> <p>11 sit alone with him. After he dropped off the last two</p> <p>12 girls, Mr. Yarbenet stopped on the" --</p> <p>13 A. "Corner".</p> <p>14 Q. -- "corner", thank you, "of Ethel and Daggett at</p> <p>15 the stop sign and said, may I steel a kiss?" And may I</p> <p>16 steel a kiss, question mark, is in quotes. "Did not wait</p> <p>17 for any sort of answer, and pulled me close to him kissing</p> <p>18 me, holding me around the waist and back, moving his hands</p> <p>19 and touching my breasts."</p> <p>20 Is that the first instance when Mr. Yarbenet</p> <p>21 kissed you?</p> <p>22 A. Yes.</p> <p>23 Q. Is that the first instance where Mr. Yarbenet</p> <p>24 touched you in a sexually inappropriate manner?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. So Yarbenet was driving, you were in the middle of</p> <p>2 the front seat, and then P [REDACTED] K [REDACTED] was on the right side,</p> <p>3 passenger side of the vehicle?</p> <p>4 A. Correct.</p> <p>5 Q. All right. All in the front seat. And there were</p> <p>6 four girls in the back seat?</p> <p>7 A. Correct.</p> <p>8 Q. Who were they?</p> <p>9 A. K [REDACTED] M [REDACTED], A [REDACTED] E [REDACTED], J [REDACTED] Z [REDACTED]</p> <p>10 and J [REDACTED] S [REDACTED] (phonetic).</p> <p>11 Q. And while those girls are in the back seat and</p> <p>12 with P [REDACTED] K [REDACTED] also in the front seat, Mr. Yarbenet placed</p> <p>13 his hand on your thigh?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And you believe that the other students, at</p> <p>16 least some of them, may have observed that?</p> <p>17 A. Yes.</p> <p>18 Q. How long did he have his hand on your thigh?</p> <p>19 A. A few minutes.</p> <p>20 Q. Did anyone say anything to you about that?</p> <p>21 A. No.</p> <p>22 Q. None of the other students said, hey, what was up</p> <p>23 with Yarbenet, he had his hand on your leg?</p> <p>24 A. They didn't say it.</p> <p>25 Q. Was this at night?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Do you remember -- you talk about a conversation</p> <p>2 here where Mr. Yarbenet had you sit alone with him at</p> <p>3 Arby's. Do you remember what he talked to you about?</p> <p>4 A. No.</p> <p>5 Q. Prior to arriving at this corner -- obviously, at</p> <p>6 this time the only two people in the car are yourself and</p> <p>7 Mr. Yarbenet?</p> <p>8 A. Right.</p> <p>9 Q. Had there been anyone in the car prior to that?</p> <p>10 A. Yes.</p> <p>11 Q. Who was in the car before that, Stacy?</p> <p>12 A. The other students from TV studio. Do you want me</p> <p>13 to give you their names?</p> <p>14 Q. As best as you recall.</p> <p>15 A. J [REDACTED] S [REDACTED] (phonetic), J [REDACTED] Z [REDACTED], P [REDACTED]</p> <p>16 K [REDACTED], S [REDACTED] E [REDACTED], K [REDACTED] M [REDACTED]. And that's it.</p> <p>17 Q. Did anything of a physically inappropriate or</p> <p>18 sexual manner occur in the car before Mr. Yarbenet stopped</p> <p>19 and kissed you?</p> <p>20 A. When everyone was still in the car -- I guess it</p> <p>21 must have been on the way home, dropping people off. He had</p> <p>22 his hand on my thigh. And the girls who were sitting in the</p> <p>23 back, there were four of them in there together, had</p> <p>24 noticed. And there was P [REDACTED] sitting on the other side of</p> <p>25 me. I was in the front, in the middle.</p>	<p style="text-align: right;">Page 101</p> <p>1 A. It was in the evening. It was getting dark. And</p> <p>2 the reason I believed that they saw was because they -- the</p> <p>3 four of them would -- at least two of them would go to a</p> <p>4 church camp together. And periodically on the bus, on the</p> <p>5 way there, one of the counselors would say something to the</p> <p>6 effect of "hand check". And everybody had to put their</p> <p>7 hands in the air to make sure that people weren't.</p> <p>8 Q. Yeah.</p> <p>9 A. And so that's what they did at that point. And</p> <p>10 that's the reason that he removed his hands from my leg.</p> <p>11 Q. All right. So while you're driving and he has his</p> <p>12 hand on your leg, one or more of the students blurts out --</p> <p>13 A. Hand check.</p> <p>14 Q. -- hand check. And that's when he removed his</p> <p>15 hand from your thigh.</p> <p>16 A. Yes.</p> <p>17 Q. Where on your thigh did he place his hand; upper</p> <p>18 thigh, lower thigh?</p> <p>19 A. I don't know. It was just weird, uncomfortable.</p> <p>20 Q. I understand. Did he move his hand or did he just</p> <p>21 leave it in one place?</p> <p>22 A. He just left it in one place that day.</p> <p>23 Q. And how long did he have his hand on your thigh?</p> <p>24 A. Several minutes.</p> <p>25 Q. Did you talk to anyone at all about that incident</p>

26 (Pages 98 to 101)

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<p style="text-align: right;">Page 102</p> <p>1 after it occurred, anytime after it occurred, up until the</p> <p>2 point in time when you were interviewed by the woman at</p> <p>3 Collegiate Academy and, thereafter, the police?</p> <p>4 A. No.</p> <p>5 Q. You go on to say, Stacy, on Page 4 of your</p> <p>6 statement, "Shortly, a car came up to us and stopped. He</p> <p>7 was on Daggett coming from Route 20 and stopped" -- I can't</p> <p>8 read your handwriting.</p> <p>9 A. "Stopped to turn on Ethel."</p> <p>10 Q. "This made him stop, and we drove on up Daggett</p> <p>11 towards my house. When we were nearly there, near Cindy and</p> <p>12 Shady Lane, he asked me if my parents would notice if we</p> <p>13 drove by the house. Vehemently I said yes, thinking he</p> <p>14 would take me home. But instead he pulled off of the road</p> <p>15 near a mailbox close to Shady Lane and grabbed me again, not</p> <p>16 for as long this time. He took me home and came in with me,</p> <p>17 insisting on carrying my bag for me. And he talked with my</p> <p>18 parents for a while. I sat with all of them in disbelief,</p> <p>19 that that bastard, Mr. Yarbenet, could have the nerve to do</p> <p>20 such a thing to me and then speak to my parents as if they</p> <p>21 were best friends. He left. I cried until I fell asleep</p> <p>22 that night praying that it would be the end of it."</p> <p>23 Stacy, did you discuss what we just read here with</p> <p>24 any adult prior to your meeting with the woman from</p> <p>25 Collegiate Academy?</p>	<p style="text-align: right;">Page 104</p> <p>1 A. "I could not say much."</p> <p>2 Q. "So I could not say how much control he had over</p> <p>3 what was in the pictures. But a couple developed which had</p> <p>4 only her butt in the picture. She felt sore" --</p> <p>5 A. "Sure".</p> <p>6 Q. -- "sure that this was intentional. During this</p> <p>7 party" -- party?</p> <p>8 A. "Party".</p> <p>9 Q. -- "Mr. Yarbenet also asked me to dance a couple</p> <p>10 of slow songs with him."</p> <p>11 A. Right.</p> <p>12 Q. "All right. "Which was not strange because he was</p> <p>13 dancing with all the girls there. During the second slow</p> <p>14 song, he began breathing heavily on my neck and ear, and</p> <p>15 then began to nibble on my earlobe. Mr. Yarbenet" --</p> <p>16 A. "Mrs".</p> <p>17 Q. I'm sorry. "Mrs. Yarbenet came into the room at</p> <p>18 this time. We were right in front of the door."</p> <p>19 A. His back was to her.</p> <p>20 Q. "His back was to her. But I could see her, and I</p> <p>21 could see her" --</p> <p>22 A. "Feel certain."</p> <p>23 Q. -- "feel certain she saw him because she backed</p> <p>24 out and shut the door. Then came back for him when the song</p> <p>25 was over. None of the kids in the room saw what was going</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No, I just answered that. I did not.</p> <p>2 Q. I just want to make sure this is all part of the</p> <p>3 same incident, but I want to make sure I cover everything.</p> <p>4 Okay. Rather than refer to her as the woman from</p> <p>5 Collegiate, what was her name again?</p> <p>6 A. Amy Mulligan.</p> <p>7 Q. Ms. Mulligan, thank you. You go on here and say,</p> <p>8 "Sometime during this winter" -- again, this is your seventh</p> <p>9 grade year?</p> <p>10 A. Right.</p> <p>11 Q. "I have no idea when, Mr. and Mrs. Yarbenet had a</p> <p>12 party at their house. He was supposed to be" --</p> <p>13 A. "It was supposed to be."</p> <p>14 Q. Thank you. "It was supposed to be for sled</p> <p>15 riding, but there was not enough snow. So we watched</p> <p>16 movies, Armageddon, and just hung out. I invited C[REDACTED]</p> <p>17 S[REDACTED] to come. Everyone was allowed to bring a friend.</p> <p>18 She was late, but she told me she would be" --</p> <p>19 A. "She told me she would be."</p> <p>20 Q. "She would be. We spent most of the time</p> <p>21 together. For a long time we were climbing on S[REDACTED] walls.</p> <p>22 Mr. Yarbenet's son, S[REDACTED], has equipment on his walls to</p> <p>23 simulate rock climbing. Mr. Yarbenet had a camera and was</p> <p>24 taking lots of pictures of C[REDACTED] climbing. It was dark</p> <p>25 in the room, so" -- help me here, please.</p>	<p style="text-align: right;">Page 105</p> <p>1 on."</p> <p>2 Do you think that Mrs. Yarbenet was able to see</p> <p>3 what Mr. Yarbenet was doing when he was dancing with you?</p> <p>4 A. I think so.</p> <p>5 Q. Other than Mrs. Yarbenet, were there any other</p> <p>6 adults at this party?</p> <p>7 A. No.</p> <p>8 Q. The photographs that you mentioned, that</p> <p>9 Mr. Yarbenet took that, apparently, at least some included,</p> <p>10 was it C[REDACTED] --</p> <p>11 A. Right.</p> <p>12 Q. -- backside, do you know whatever happened to</p> <p>13 those photographs?</p> <p>14 A. He had a couple drawers of photographs in the back</p> <p>15 room at school, and they were in there for a long time until</p> <p>16 she took them and ripped them up.</p> <p>17 Q. "She", being?</p> <p>18 A. C[REDACTED]</p> <p>19 Q. Okay. Do you know whether those photographs were</p> <p>20 ever shown to any representative of the school district?</p> <p>21 A. I don't know.</p> <p>22 Q. They --</p> <p>23 A. They were hung in the room for a while.</p> <p>24 Q. When you say they were hung in the room, you mean</p> <p>25 someone posted them on the bulletin board?</p>

<p style="text-align: right;">Page 106</p> <p>1 A. They were taped to the cupboards in the room.</p> <p>2 Q. And these were photographs of C[REDACTED] --</p> <p>3 A. S[REDACTED]</p> <p>4 Q. -- S[REDACTED] climbing this simulated rock wall in</p> <p>5 S[REDACTED] room at Yarbenet's house?</p> <p>6 A. Right.</p> <p>7 Q. The photographs, were they only of C[REDACTED]?</p> <p>8 A. There were photographs of other people too.</p> <p>9 Q. And you thought one or more of them had C[REDACTED]</p> <p>10 climbing the rock wall?</p> <p>11 A. I didn't think they did, she identified them</p> <p>12 herself as being her.</p> <p>13 Q. Okay. Did you actually see the photographs</p> <p>14 yourself?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. They were hung in the room.</p> <p>18 Q. And they were there for how long?</p> <p>19 A. It's hard to say.</p> <p>20 Q. You think C[REDACTED] actually took them down?</p> <p>21 A. Yes.</p> <p>22 Q. Did she take down all the photographs or just the</p> <p>23 ones that --</p> <p>24 A. Just the ones that had her in them.</p> <p>25 Q. Okay. Approximately how many photographs were up</p>	<p style="text-align: right;">Page 108</p> <p>1 A. A[REDACTED]</p> <p>2 Q. -- "A[REDACTED] and her sister were also there." This</p> <p>3 is at the same --</p> <p>4 A. Party.</p> <p>5 Q. -- party. Okay. "L[REDACTED] is a couple years ahead of</p> <p>6 me, and" --</p> <p>7 A. "I'm not sure how much older her sister is."</p> <p>8 Q. Why don't you go ahead and just read the next</p> <p>9 couple paragraphs, since you're better at your handwriting</p> <p>10 than I am.</p> <p>11 A. "But both were very friendly towards him, and</p> <p>12 Mr. Yarbenet and her sister spoke in his computer room alone</p> <p>13 for a while --</p> <p>14 Q. And let me just caution one thing. People read</p> <p>15 faster than they speak, and it's hard for Carol. So you're</p> <p>16 going to want to slow yourself down a little bit.</p> <p>17 A. "In my seventh grade year, I had student council</p> <p>18 with Ms. Turton during third period. Every morning, Mr.</p> <p>19 Yarbenet would write me a pass, a hall pass, to his room for</p> <p>20 that period. I would give it to her and go often with</p> <p>21 another student. If I did not show up before class was half</p> <p>22 over, either because I didn't give her the pass or because</p> <p>23 she wouldn't let me leave, he would nearly always come and</p> <p>24 talk to her. And when he did, she always let me leave. She</p> <p>25 knew he had been having problems and heard that I was</p>
<p style="text-align: right;">Page 107</p> <p>1 there, do you know?</p> <p>2 A. In all, there were many. Of her, there were two</p> <p>3 or three.</p> <p>4 Q. When you say many, more than a dozen?</p> <p>5 A. More than a roll of film.</p> <p>6 Q. And were they photographs only from this party or</p> <p>7 were they photographs from other occasions?</p> <p>8 A. There were some from other occasions, but there</p> <p>9 were a number from this party.</p> <p>10 Q. Okay. Was that a common practice on</p> <p>11 Mr. Yarbenet's part while you were one of his students, to</p> <p>12 have a bulletin board with photographs on it?</p> <p>13 A. Not so much a bulletin board with photos, but</p> <p>14 photos taped up everywhere.</p> <p>15 Q. In various locations.</p> <p>16 A. Right.</p> <p>17 MR. OLDS: Do you need a break?</p> <p>18 MR. LANZILLO: I'm going to trust you, Stacy, to</p> <p>19 tell me whenever you want a break, okay. Don't be</p> <p>20 bashful, just say, I want to break.</p> <p>21 MR. OLDS: Do you want a break now?</p> <p>22 THE WITNESS: I'll take a break now.</p> <p>23 (Recess held from 2:09 p.m. to 2:18 p.m.)</p> <p>24 Q. All right. Let's pick up on your statement,</p> <p>25 Stacy. It says here, "L[REDACTED] --" is that --</p>	<p style="text-align: right;">Page 109</p> <p>1 counseling him. So she had no objections, and even</p> <p>2 suggested it on occasion. Often there were lots of kids</p> <p>3 here at this time, so for the most part nothing happened.</p> <p>4 He would have me stand with him at his desk and would rub</p> <p>5 his legs up and down -- rub his hand up and down my legs.</p> <p>6 Only on occasion at this time would we go to the TV studio."</p> <p>7 Q. Let me stop you there, Stacy, and ask you a couple</p> <p>8 of things. Mrs. Turton was your student council teacher?</p> <p>9 A. Right.</p> <p>10 Q. All right. And Mr. Yarbenet would regularly write</p> <p>11 you a hall pass that would allow you to leave student</p> <p>12 council and come to his room?</p> <p>13 A. Right.</p> <p>14 Q. And do you know what -- for what purpose</p> <p>15 Mr. Yarbenet would seek to have you dismissed to his room?</p> <p>16 Was it to work in the TV studio?</p> <p>17 A. That's what he claimed.</p> <p>18 Q. Okay. Is that what he told Mrs. Turton?</p> <p>19 A. Yes.</p> <p>20 MR. OLDS: Well, do you know what -- did you hear</p> <p>21 what he told Ms. Turton? I know it's your</p> <p>22 deposition, but that's sort of -- there wasn't a</p> <p>23 foundation for that question.</p> <p>24 A. When he would give me a pass and ask me to give it</p> <p>25 to her and leave, I was to tell her that I would be cleaning</p>

28 (Pages 106 to 109)

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1 the TV studio. When he would have to come talk to her, they
 2 would whisper out of my earshot. And I didn't hear what he
 3 said, but he told me that that was what he had told her.
 4 Q. I see. Was this every day?
 5 A. It was very nearly every day.
 6 Q. Okay. And you referenced here that you would go
 7 to his class often with another student?
 8 A. Right.
 9 Q. Who was the other student?
 10 A. One of the officers at the time. It might have
 11 been A. E. again.
 12 Q. One of the officers of student council?
 13 A. Right.
 14 Q. And you believe it was A. E.?
 15 A. Right.
 16 Q. And would she also receive a pass from Mr.
 17 Yarbenet?
 18 A. Mine was to include her.
 19 Q. I see. So it was a single pass for both of you?
 20 A. Right.
 21 Q. And you would typically leave Mrs. Turton's
 22 classroom together and then go to the studio or his
 23 classroom together?
 24 A. Sometimes. Often we would meet there because she
 25 wouldn't be allowed to go when I was. But she would be

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1 from?
 2 A. That's my interpretation, my best explanation for
 3 what she could possibly --
 4 Q. That's not a word that she used.
 5 A. No.
 6 Q. Now, when you get to Mr. Yarbenet's classroom --
 7 and at this point was it his classroom or was it the TV
 8 studio?
 9 A. Typically, the classroom.
 10 Q. All right. You say, "Often there were lots of
 11 kids" -- I'm sorry, again, your handwriting, lots of kids --
 12 what's the last word of the page?
 13 A. "Lots of kids here at this time."
 14 Q. Okay. "So for the most part, nothing happened.
 15 He would have me stand with him at his desk and he would rub
 16 his hand up and down my leg."
 17 A. Right.
 18 Q. Or is it legs?
 19 A. Legs.
 20 Q. Okay. Would that be behind his desk?
 21 A. Yes.
 22 Q. Do you know whether any other student observed
 23 that?
 24 A. At one point, N. D. observed this.
 25 Q. And how do you know? Did she tell you?

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1 allowed later on in the class period.
 2 Q. And do you know why it was that she would be
 3 released from Mrs. Turton's class sometimes later than you
 4 would be?
 5 A. Because he requested that I go. And Ashley could
 6 come if she wanted.
 7 Q. Okay. But you said sometimes she wouldn't be
 8 allowed to leave. Do you know why she would not be allowed
 9 to leave at times when you would be allowed to leave? Did
 10 she have -- in other words, did she have other
 11 responsibilities in student council?
 12 A. She was supposed to be a secretary, but she really
 13 didn't have responsibilities that she needed to be there
 14 for.
 15 Q. Okay.
 16 A. Most of the time it was a study hall.
 17 Q. You say here that "She", meaning Mrs. Turton, I
 18 understand, "knew he," meaning Mr. Yarbenet, "had been
 19 having problems and heard I was, quote, counseling him."
 20 How did you learn that information? In other words, how do
 21 you know what Ms. Turton knew?
 22 A. Because I was there one day when he told her that
 23 I had saved his life by not letting him commit suicide over
 24 Christmas break.
 25 Q. And the word "counseling", where did that come

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1 A. Because she asked me about it later.
 2 Q. Do you know if N. ever reported that to any
 3 administrator or other representative of the school
 4 district?
 5 A. She told me she was going to, but I don't know if
 6 she ever did.
 7 Q. Did she ever, after the fact, tell you that she
 8 had?
 9 A. She did not tell me.
 10 Q. Did you ever ask her again whether she had
 11 reported that?
 12 A. No.
 13 Q. And you did not report that, did you?
 14 A. I did not.
 15 Q. Did you tell any adult about that?
 16 A. No.
 17 Q. And by "that", I mean the rubbing of your legs
 18 behind the desk.
 19 A. Right.
 20 Q. All right. Why don't you resume reading at the
 21 top of Page 6.
 22 A. "After February 4th, on the first day back to
 23 school, Mr. Yarbenet started letting his homeroom leave
 24 before the bell rang, and even encouraged it. When they
 25 left, he would either stand in front of the door, have me in

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<p style="text-align: right;">Page 114</p> <p>1 front of the door, or lock it so that no students or Ms. 2 Verdecchia would come in. 3 Ms. Verdecchia is the music teacher and had a 4 homeroom just beside the TV studio. It's really more of a 5 closet, and the -- and the music room -- it and the music 6 room are set off alone between two floors. 7 When he would close the door after the kids left, 8 he would kiss me and hold me until I had to leave for class. 9 He would also run both his hand and mouth over my neck, 10 chest, breasts and stomach, all without clothing. He would 11 feel my butt, both on top and under my clothing, but he 12 never touched any other private areas without clothing. 13 When he would try, I would always tell him that I 14 was having my period whether I was or not. This was my one 15 safety. I felt that if he ever did succeed in doing that, I 16 would kill myself. Having that excuse was the only form of 17 control I had." 18 Q. Let me stop you there. Was February 4th -- 19 A. The trip to the TV studio. 20 Q. Right. 21 A. Channel 12. 22 Q. So the first time that Mr. Yarbenet touched you 23 inappropriately, was that after the trip -- in school, 24 excuse me. The first time Mr. Yarbenet touched you 25 inappropriately in school, was that after the trip to</p>	<p style="text-align: right;">Page 116</p> <p>1 studio, which is more like a closet. And then there's an 2 entrance to the music room where there's an office and the 3 music room itself. 4 Q. Okay. So inside the music room there's an office 5 and another area. Is it a classroom? 6 A. It's a classroom. 7 Q. And that's where they have music class? 8 A. Right. 9 Q. Did you ever take any classes in that classroom? 10 A. Yes. 11 Q. Would you have chorus and play a musical 12 instrument? 13 A. Just the required music class. 14 Q. Like a music theory type of class? 15 A. Like that. 16 Q. So it was a classroom that had chairs and desks 17 and things like that? 18 A. There were no desks. 19 Q. No desks. Small classroom? 20 A. It was a pretty good-sized classroom. There had 21 to be room for drums and whatever. 22 Q. And the door on the front of that classroom, 23 Stacy, did it have a window? 24 A. Yes. 25 Q. Did the door on the TV studio have a window?</p>
<p style="text-align: right;">Page 115</p> <p>1 Channel 12? 2 A. Correct. 3 Q. And was that when he rubbed his hand on your legs 4 in school, or did that occur before the Channel 12 trip? 5 A. That was after. 6 Q. All right. And that's the first thing that he 7 did, Stacy, that was inappropriate? 8 A. The first thing was the next morning in school. 9 He let out the kids early and kept me there. 10 Q. Okay. So as I'm reading through your statement 11 here, not everything is in exact chronological order. You 12 talked about him rubbing your legs, but that actually -- 13 A. Happened afterwards. 14 Q. After the first contact, inappropriate contact, in 15 the TV studio. Now, you talked about where this studio is 16 located and where Ms. Verdecchia's classroom is located. 17 And they're located between two floors? 18 A. The music room is set off from the rest of the 19 school. You go up one flight of stairs, and there's a 20 platform and door to go into the music room. And then you 21 go up another flight, and that's where the third floor is. 22 Q. And the doors to the music room and the TV studio, 23 are they next to each other, opposite each other? 24 A. There's a door that you go through and a small 25 hallway-type area. And then there's a door for the TV</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No. 2 Q. You've described the TV studio as more the size of 3 a closet than a classroom, correct? 4 A. Correct. 5 Q. All right. What was inside that TV studio? 6 A. There were three or four desks. Not like 7 individual desks, but tables. Some chairs, a monitor, a 8 video camera, some other cords and equipment, and a couple 9 backdrops. 10 Q. The TV studio was used to broadcast morning 11 announcements? 12 A. Right. 13 Q. What was your involvement in morning 14 announcements? Were you on camera, were you an equipment 15 person, what did you do? 16 A. Some of each. Mainly, I would read the 17 announcements on camera. 18 Q. And how often would you be reading the 19 announcements, Stacy? 20 A. A couple times a week. 21 Q. Was that throughout your seventh grade year? 22 A. Except for the beginning when I wasn't in it. 23 Q. Once you became involved, two, three, four times a 24 week you would read the announcements? 25 A. Right.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. And who would operate the camera and equipment?</p> <p>2 A. Mr. Yarbenet would operate that.</p> <p>3 Q. When you would be reading announcements, would</p> <p>4 there be anyone else in the room with you?</p> <p>5 A. There would be someone else at the table beside</p> <p>6 me. And then at the next table, where you would turn the</p> <p>7 camera to, they would do weather or sports or something.</p> <p>8 Q. So this would be set up like a --</p> <p>9 A. Mini, mini newsroom.</p> <p>10 Q. Got you. So there would be two students to read</p> <p>11 the announcements. And they would, what, switch back and</p> <p>12 forth, you would alternate?</p> <p>13 A. Right.</p> <p>14 Q. And then you would have -- the weather person</p> <p>15 would be off to the side.</p> <p>16 A. Yes.</p> <p>17 Q. And how long would this whole process take? How</p> <p>18 long were morning announcements?</p> <p>19 A. Typically, no more than four minutes.</p> <p>20 Q. Okay. And how long did it take to set up and</p> <p>21 review copy for the day?</p> <p>22 A. It was right on the desk, and we would just read</p> <p>23 it straight from the paper. So there was really no time</p> <p>24 beforehand that we used to prepare.</p> <p>25 Q. Who would write up the material?</p>	<p style="text-align: right;">Page 120</p> <p>1 time later a bell would ring, or a buzzer?</p> <p>2 A. Right.</p> <p>3 Q. And you would go off to your first period class.</p> <p>4 A. Right.</p> <p>5 Q. Did anything ever happen, anything inappropriate</p> <p>6 ever happen in the TV studio during that homeroom period, or</p> <p>7 was it during other periods of the day?</p> <p>8 A. During homeroom, every day. After the</p> <p>9 announcements would finish, the other students would be</p> <p>10 dismissed.</p> <p>11 Q. Okay.</p> <p>12 A. They would leave to go to their first period</p> <p>13 class, stop at the locker, go to the bathroom, whatever.</p> <p>14 And I had to stay there.</p> <p>15 Q. So you would remain behind. Would you be able to</p> <p>16 make it to your first period class on time?</p> <p>17 A. Yes. The bell had not yet rung.</p> <p>18 Q. Oh, I see. So he would just -- "he", being</p> <p>19 Yarbenet, would dismiss students sometimes in advance of the</p> <p>20 bell ringing?</p> <p>21 A. Almost always in advance of the bell ringing.</p> <p>22 Q. And how much earlier or how long before the bell</p> <p>23 rang would he typically let the other kids go?</p> <p>24 A. Five minutes.</p> <p>25 Q. Okay. So they would go off to their lockers for</p>
<p style="text-align: right;">Page 119</p> <p>1 A. It was a printout that we always got from one of</p> <p>2 the secretaries.</p> <p>3 Q. So the students weren't involved in coming up with</p> <p>4 the material to read?</p> <p>5 A. No.</p> <p>6 Q. And this would -- would this be during first</p> <p>7 period or homeroom?</p> <p>8 A. During homeroom.</p> <p>9 Q. All right. And homeroom, in total, took what, ten</p> <p>10 minutes, maybe?</p> <p>11 A. Around there.</p> <p>12 Q. All right. Now, you wouldn't need a pass to go to</p> <p>13 the TV studio to do morning announcements, would you?</p> <p>14 A. No.</p> <p>15 Q. Would you go to your homeroom first and then go up</p> <p>16 to the TV studio?</p> <p>17 A. The TV studio was my homeroom.</p> <p>18 Q. Was your homeroom, that's right. Mr. Yarbenet was</p> <p>19 your homeroom teacher, and he used that as home base for you</p> <p>20 and the other TV studio homeroom kids.</p> <p>21 A. Right.</p> <p>22 Q. So you would go directly there upon arriving in</p> <p>23 the morning?</p> <p>24 A. Right.</p> <p>25 Q. Read the announcements. Then I assume a short</p>	<p style="text-align: right;">Page 121</p> <p>1 their first period class. You would remain behind?</p> <p>2 A. Right.</p> <p>3 Q. Was that every day, Stacy?</p> <p>4 A. Very nearly.</p> <p>5 Q. They would leave. And then what would Yarbenet</p> <p>6 do, would he shut and lock the door?</p> <p>7 A. Yes.</p> <p>8 Q. Did he always lock the door?</p> <p>9 A. No. He would often just stand with his foot in</p> <p>10 front of it so that -- you know how someone puts the rubber</p> <p>11 -- the shoe on the door so you can't open it.</p> <p>12 Q. And the first time this happened in the TV studio,</p> <p>13 was that on February 5th, the day after the WICU trip?</p> <p>14 A. Right.</p> <p>15 Q. All right. And tell me exactly, to the best of</p> <p>16 your recollection, what he did. Did he say anything to you</p> <p>17 before he started kissing you or placing his hands on you?</p> <p>18 A. No. He just asked me to come back into the room,</p> <p>19 because I was leaving.</p> <p>20 Q. He would say, Stacy, can I see you for a moment?</p> <p>21 A. For a minute. And that was it. He didn't say</p> <p>22 anything else.</p> <p>23 Q. And, what, did he grab you?</p> <p>24 A. Yes.</p> <p>25 Q. Did you push away? What did you do?</p>

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<p style="text-align: right;">Page 122</p> <p>1 A. I tried to push away.</p> <p>2 Q. Okay. With your hands, with --</p> <p>3 A. With hands.</p> <p>4 Q. What did he do?</p> <p>5 A. He would just -- pulled me in harder.</p> <p>6 Q. Do you want to take a break?</p> <p>7 A. No.</p> <p>8 Q. And on this first occasion where he kissed you and</p> <p>9 touched you in the TV studio, he touched you on the outside</p> <p>10 of your clothing, at least, initially. He rubbed --</p> <p>11 A. On this day, it was outside of clothing.</p> <p>12 Q. Did he touch your chest?</p> <p>13 A. Yes.</p> <p>14 Q. Did he touch your buttocks, your behind?</p> <p>15 A. I don't know about that day.</p> <p>16 Q. Okay. And how long did the kissing and the</p> <p>17 touching, as you've described it, go on, on that first day?</p> <p>18 A. Four or five minutes.</p> <p>19 Q. How did it end, what happened?</p> <p>20 A. The bell rang.</p> <p>21 Q. Okay.</p> <p>22 A. And it apparently startled him, and I ran out.</p> <p>23 Q. Was there any exchange at all when you left?</p> <p>24 A. No.</p> <p>25 Q. Did he say anything to the effect that, you know,</p>	<p style="text-align: right;">Page 124</p> <p>1 was wrong?</p> <p>2 A. No.</p> <p>3 Q. Did you tell him you wanted him to stop?</p> <p>4 A. No. If you had seen the anger in his eyes.</p> <p>5 Q. You perceived he was angry.</p> <p>6 A. (Witness nods head.)</p> <p>7 Q. You nodded yes.</p> <p>8 A. Yes.</p> <p>9 Q. All right. Did he ever do anything physically</p> <p>10 threatening towards you?</p> <p>11 A. Yes.</p> <p>12 Q. What did he do, Stacy?</p> <p>13 A. The only thing that was worse than going along</p> <p>14 with it was trying to go against it. If I resisted, he</p> <p>15 would become very cross, and either try to make me feel</p> <p>16 guilty into doing what he wanted. You know, he would start</p> <p>17 to cry or something. Or push me into a wall or make me bend</p> <p>18 backwards over a counter. There were times when I resisted</p> <p>19 and he bit me, to the point of drawing blood.</p> <p>20 And, I mean, at one point he did threaten that if</p> <p>21 anybody found out, he said that he would go away for a very</p> <p>22 long time, and he wouldn't let that happen. That he had all</p> <p>23 kinds of wilderness training skills, and that he would</p> <p>24 kidnap me, and take me to the coast, and tie me to a tree</p> <p>25 there, keeping me alive and raping me as often as possible,</p>
<p style="text-align: right;">Page 123</p> <p>1 of course, Stacy, you know, this is our little secret, don't</p> <p>2 tell anyone or anything, just --</p> <p>3 A. That's implied.</p> <p>4 Q. Okay. Did you -- after that happened on</p> <p>5 February 5th, did you consider telling anyone, Stacy?</p> <p>6 A. I did. And it really didn't seem like a feasible</p> <p>7 plan at the time. He had spent so long telling me about how</p> <p>8 he was on the suicide prevention team and a Rape Crisis</p> <p>9 counselor, and is friends with all the police and everybody</p> <p>10 around. And it was so clear that he was such great friends</p> <p>11 with everybody in administration and the counselors and</p> <p>12 secretaries. There was no one I felt I could turn to who</p> <p>13 would believe me.</p> <p>14 Q. Okay. I'm not going to make you recount all of</p> <p>15 these instances. But just so I understand, this continued</p> <p>16 then -- well, tell me, did it get more frequent as time went</p> <p>17 on, that he would touch you and kiss you in this fashion?</p> <p>18 A. Yes.</p> <p>19 Q. After February 5th, when was the next time that he</p> <p>20 committed any conduct of that nature?</p> <p>21 A. The next school day, the next morning. And,</p> <p>22 eventually, it became not only during homeroom, during other</p> <p>23 class periods, between classes, during lunch, during his</p> <p>24 plan period, after school, after school at my home.</p> <p>25 Q. Did you tell Mr. Yarbenet that you thought this</p>	<p style="text-align: right;">Page 125</p> <p>1 tied to this tree, until I died.</p> <p>2 Q. When did he tell you that, Stacy? Was that early</p> <p>3 on?</p> <p>4 A. That was in March or April of my seventh grade</p> <p>5 year.</p> <p>6 Q. Okay. And because of that, you didn't tell</p> <p>7 anyone.</p> <p>8 A. Right.</p> <p>9 Q. The touching, I understand, progressed where he</p> <p>10 over time would reach under your clothing and touch your</p> <p>11 breasts?</p> <p>12 A. Right.</p> <p>13 Q. Would he touch you on your bra, underneath your</p> <p>14 bra?</p> <p>15 A. Underneath.</p> <p>16 Q. Did he remove articles of your clothing?</p> <p>17 A. Yes.</p> <p>18 Q. What did he remove?</p> <p>19 A. He would only completely remove a shirt. Anything</p> <p>20 else, he would just -- like my bra, he would just push out</p> <p>21 of the way for the time, because the time was always</p> <p>22 usually, occasionally, limited.</p> <p>23 Q. And did he ever -- he didn't remove your pants?</p> <p>24 Did he unsnap your pants?</p> <p>25 A. He would try.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. Did he ever place his hand inside your pants, 2 beneath your underwear, your private areas? Did he just try 3 to do that? 4 A. He just tried. 5 Q. He never succeeded, though? 6 A. No. 7 Q. There was never instances of intercourse? 8 A. No. 9 Q. Did he reach and touch your bare behind? 10 A. Yes. 11 Q. Did he ever have you touch him? 12 A. Yes. 13 Q. How did that happen? Would you tell me how that 14 happened. 15 A. He would take my hands and force me to. 16 Q. Was that only on the outside of his pants? 17 A. No. On top and beneath. 18 Q. Did he expose himself to you? 19 A. Yes. 20 Q. When is the first time that he had you touch him? 21 A. I don't even remember what month it was. It was 22 nice enough that we were going to walk to the elementary 23 school after school. The grass was green. I don't know 24 what month. 25 Q. There was no snow on the ground, the grass had</p>	<p style="text-align: right;">Page 128</p> <p>1 Was there any period of time when Yarbenet let up or ceased 2 in his conduct towards you during the balance of that school 3 year, or did this pretty much continue throughout the entire 4 period? 5 A. After his injury with the parachute thing, he was 6 out of school for a couple weeks. So there was a time then 7 with some reprieve. 8 Q. And how soon after his return did this start up 9 again? 10 A. Immediately. When he came back, he was in a back 11 brace. And so, I don't know, he had supposedly extra reason 12 to have me around, to do any heavy lifting for him and 13 reaching things. 14 Q. Did most of the abuse occur in the TV studio, or 15 was it the classroom? 16 A. It was about 50-50 between the TV studio and the 17 classroom. And by the classroom, that encompasses both the 18 classroom and the back closet. 19 Q. I want to talk to you about that back closet in a 20 minute. As far as the TV studio is concerned, would that 21 be -- would that be the location when he would do this, 22 after morning announcements? Is that typically -- 23 A. Right. 24 Q. -- what prompted the use of that facility, you 25 were there?</p>
<p style="text-align: right;">Page 127</p> <p>1 greened up? 2 A. Right. 3 Q. And you were walking over to Elk Valley Elementary 4 to meet your mom? 5 A. Right. But there was always a good half hour 6 between when school let out and when we would have to be 7 there. So there was always a time when we would stay in the 8 room alone. 9 Q. Am I correct, then, that on occasions that this 10 type of conduct occurred where he would touch you and force 11 you to touch him, that would sometimes occur at the end of 12 the day, and then immediately thereafter you would be 13 walking over to Elk Valley Elementary School to meet your 14 mother? 15 A. Yes. 16 Q. Did you think about telling your mom about this, 17 Stacy? 18 A. I wanted to. 19 Q. Why didn't you? 20 A. Because I was afraid of him. And afraid that she 21 would be angry. 22 Q. Are you okay? 23 A. Yes. 24 Q. This occurred between -- this conduct occurred 25 between February 5th and the end of your seventh grade year.</p>	<p style="text-align: right;">Page 129</p> <p>1 A. Right. 2 Q. All right. Did he ever abuse you in the TV studio 3 at any time other than after morning announcements? 4 A. Yes. 5 Q. How often did that happen? 6 A. Maybe only once a month. 7 Q. The rest of the time when he would kiss you or 8 touch you, that would occur later in the day in the 9 classroom or in the adjacent closet area? 10 A. Right. 11 Q. I understand that Mr. Yarbenet's classroom adjoins 12 another classroom. 13 A. Right. 14 Q. Is there like a little closet hallway between the 15 two? 16 A. They share a closet. 17 Q. And you would walk through a door at the back of 18 Mr. Yarbenet's classroom into this closet area? 19 A. It was more the front of his classroom, but yes. 20 Q. All right. And then there would be this closet 21 area, and then there would be another door which would lead 22 into another classroom. 23 A. Right. 24 Q. Were there windows on these doors? 25 A. No.</p>

33 (Pages 126 to 129)

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<p style="text-align: right;">Page 130</p> <p>1 Q. Did the doors lock from the inside, or from the</p> <p>2 outside, or neither?</p> <p>3 A. The adjacent door locked. I don't believe that</p> <p>4 the lock on his door worked.</p> <p>5 Q. Okay.</p> <p>6 A. It didn't even latch very well.</p> <p>7 Q. During any of the occasions when Mr. Yarbenet was</p> <p>8 kissing you or touching you either in the TV studio or in</p> <p>9 the classroom, including the adjacent closet area of the</p> <p>10 classroom, did anyone ever come in?</p> <p>11 A. Yes.</p> <p>12 Q. When is the first time that someone entered?</p> <p>13 A. Nobody was ever able to enter because he always</p> <p>14 had something blocking the door. And so when someone would</p> <p>15 make attempt to enter, he would tell them to hold on just a</p> <p>16 minute, we had to move some stuff. And that would just give</p> <p>17 enough time to separate and redress, if you will.</p> <p>18 Q. All right. What would he put in front of the</p> <p>19 door?</p> <p>20 A. A foot, or he'd stand there, some boxes, big huge</p> <p>21 barrel thingies.</p> <p>22 Q. Let's focus on the TV studio for a moment. While</p> <p>23 the TV studio, I understand that's a fairly confined space.</p> <p>24 A. Um-hum.</p> <p>25 Q. Would he primarily use his foot against the door</p>	<p style="text-align: right;">Page 132</p> <p>1 plausible.</p> <p>2 Q. And how many times did someone try to enter while</p> <p>3 he was actually touching or kissing you, enter the TV</p> <p>4 studio?</p> <p>5 A. Maybe once a week there would be someone who</p> <p>6 needed to talk to him. Maybe Ms. Verdecchia wanted to talk</p> <p>7 to him on one of the students from some other homeroom.</p> <p>8 Q. Okay. And when you say once a week, are you</p> <p>9 telling me, Stacy, that once a week one or both of you would</p> <p>10 be in a partial state of undress?</p> <p>11 A. In the morning it was not as severe as other times</p> <p>12 during the day, because there was such a limited amount of</p> <p>13 time in the morning. And the door would be blocked</p> <p>14 nonetheless.</p> <p>15 Q. And did Ms. Verdecchia ever come in and actually</p> <p>16 observe anything from what you could tell?</p> <p>17 A. From what I could tell, she observed nothing.</p> <p>18 Other than some curious movement behind a closed door or a</p> <p>19 door open about 3 inches.</p> <p>20 Q. I'm not sure I understand.</p> <p>21 A. The door was not always latched. It would be open</p> <p>22 just a couple inches, with his foot holding it so that it</p> <p>23 could not open any further than that.</p> <p>24 Q. I see.</p> <p>25 A. No one could see in, but it was not actually --</p>
<p style="text-align: right;">Page 131</p> <p>1 to guard against someone coming in, or he would block the</p> <p>2 door?</p> <p>3 A. He would usually just stand in front of it or use</p> <p>4 his foot, and maybe a third as often he would lock it.</p> <p>5 MR. OLDS: Can I just, for clarification, relative</p> <p>6 to this room, how big was that TV room? A third</p> <p>7 of it, a half? Just so I can visualize it.</p> <p>8 A. If you were to split that wall like right in half,</p> <p>9 and then go over right between where the two of you are</p> <p>10 sitting.</p> <p>11 MR. OLDS: Right to here.</p> <p>12 A. Right.</p> <p>13 Q. So you're thinking maybe about 9 or 10 feet wide</p> <p>14 and maybe 15 feet long?</p> <p>15 A. Yes.</p> <p>16 Q. And I take it the two of you would be standing</p> <p>17 close to the door, so he could either put his back or his</p> <p>18 foot up against the door, and he would use that to keep the</p> <p>19 door shut?</p> <p>20 A. Right.</p> <p>21 Q. Do you have any idea why he only locked the door</p> <p>22 on certain occasions?</p> <p>23 A. Because he didn't want people to try to open the</p> <p>24 door and find it locked. Because that's kind of obvious.</p> <p>25 But if there's something in the way, that's far more</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. So the door would be ajar.</p> <p>2 A. Right.</p> <p>3 Q. All right. You and Mr. Yarbenet would be on the</p> <p>4 other side of the door. There would be an opening, you say,</p> <p>5 about 3 inches?</p> <p>6 A. Right.</p> <p>7 Q. And on the other side of the door, that's where</p> <p>8 you would be embracing or whatever.</p> <p>9 A. Whatever.</p> <p>10 Q. And on the occasions that Ms. Verdecchia would</p> <p>11 come to the room, by the time the door would be open or if</p> <p>12 she would gain access to the room, entrance to the room,</p> <p>13 there would be nothing going on for her to see.</p> <p>14 A. Correct.</p> <p>15 Q. All right. Was there anyone other than</p> <p>16 Ms. Verdecchia who entered the room under those</p> <p>17 circumstances? And, again, we're talking now only about the</p> <p>18 TV studio.</p> <p>19 A. There were occasionally students. Sometimes other</p> <p>20 teachers would come up. I don't remember specifically. But</p> <p>21 they would come and try to open the door and find it not</p> <p>22 openable.</p> <p>23 Q. And on those occasions would it be essentially the</p> <p>24 same scenario that you've described with Ms. Verdecchia; by</p> <p>25 the time they would gain access to the room there would be</p>

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1 nothing happening for them to see?

2 A. Correct.

3 Q. All right. Same thing with the students?

4 A. Correct.

5 Q. What about the classroom and the area adjacent to

6 the classroom, Stacy, was it a similar situation there? Did

7 anyone try to enter at a time when you were in that room

8 with Mr. Yarbenet and some type of abuse was taking place?

9 A. Often, because the doors actually locked. And

10 because the room is so much bigger, it was more feasible for

11 the door to be locked.

12 Q. Who do you remember entering while you were in

13 there?

14 A. Ms. Cappezzuto.

15 Q. Ms. Cappezzuto?

16 A. Seneta now.

17 Q. Oh, okay. Robin Seneta?

18 A. Right.

19 Q. And she was also the science teacher in the

20 adjacent classroom.

21 A. Right. And one of the janitors. And any number

22 of people, really. Those I remember because they were

23 pretty close calls. But there were often people trying to

24 get in the room.

25 Q. When you say pretty close calls, those were the

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1 people who came closest to seeing something?

2 A. Because this janitor who walked in had a key to

3 the room. And it was after school hours and he didn't think

4 anyone was in there.

5 Q. So what happened; did you hear the key in the

6 lock?

7 A. Right. And he took off running through the closet

8 out the adjacent science room door and down the hallway.

9 Q. I'm sorry, who took off running?

10 A. Yarbenet.

11 Q. What about you?

12 A. Oh, he left me there.

13 Q. Were you clothed?

14 A. Yes.

15 Q. Were you intact?

16 A. Yes.

17 Q. So your clothing was intact. He took off. And so

18 when the janitor gets in, you're the --

19 A. I'm just sitting there, yeah.

20 Q. Did the janitor say anything to you?

21 A. Like, hi, how are you, what are you doing in here.

22 Yeah.

23 Q. What did you say?

24 A. I'm just working on a project till my mom picks me

25 up.

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1 Q. To the best of your knowledge, the janitor didn't

2 see Mr. Yarbenet?

3 A. Oh, she definitely did.

4 Q. When you say she definitely did, what do you mean?

5 A. Because she is like, why is he running.

6 Q. Okay. Do you know whether the janitor ever

7 reported that to anyone?

8 A. I don't know.

9 Q. Do you know the janitor's name?

10 A. It might have been Kathy, but I don't know her

11 last name.

12 Q. How about Ms. Seneta; you said she came in and

13 there was a pretty close call. What were you referring to

14 there?

15 A. Because they share a closet, she would often come

16 in to get some class materials. And several times she would

17 attempt to come in when he was standing in front of the

18 door. And she would just try to force the door open, or

19 start banging on it, or come around through the other door.

20 And just kind of stand there, hands on hips. And it was

21 pretty awkward. He said, we were just cleaning some stuff,

22 there were boxes in the way.

23 Q. In other words, you were together physically, you

24 weren't embracing, your clothes were intact when she would

25 enter?

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1 A. Right.

2 Q. And he would explain your presence in the room as,

3 we're cleaning up, doing something --

4 A. Right.

5 Q. -- finding something, words to that effect?

6 A. Right.

7 Q. All right.

8 A. And the room never did get any cleaner.

9 Q. Did you corroborate that to Ms. Seneta? Did you

10 say anything?

11 A. No. No, I just stand there, not nodding, just

12 kind of stand there.

13 Q. And you told me earlier about Mr. Yarbenet's

14 threats and why you felt threatened by him.

15 A. Right.

16 Q. But with Ms. Seneta right there or the janitor

17 right there, did you ever think that, you know, you could at

18 that point, you know, tell her that he was acting

19 inappropriately, that he was abusing you?

20 A. No.

21 Q. Why not?

22 A. They were friends to an extent that I didn't think

23 she would protect me.

24 Q. Friends or not, though, Stacy, I mean, as a

25 teacher, you didn't think if you told her that he was

35 (Pages 134 to 137)

Ida

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 STACY S; and JOHN and :
4 MARY ELLEN S., on behalf :
5 of their daughter, LEIGH :
6 ANN S., a minor, :
7 Plaintiffs :

8 vs. : Civil Action No. 04-150E

9 GIRARD SCHOOL DISTRICT; :
10 ROBERT SNYDER, : HONORABLE SEAN J. MCLAUGHLIN
11 Individually and in his :
12 capacity as Principal of :
13 the Rice Avenue Middle :
14 School; and GREGORY :
15 YARBENET, a professional :
16 employee of the Girard :
17 School District, :
18 Defendants : Jury Trial Demanded

19 VOLUME II

20 Deposition of STACY S██████, taken before and
21 by Carol A. Holdnack, RPR, Notary Public in and for
22 the Commonwealth of Pennsylvania, on Thursday,
23 March 17, 2005, commencing at 10:42 a.m., at the
24 offices of Knox McLaughlin Gornall & Sennett, P.C.,
25 120 West Tenth Street, Erie, PA 16501.

26 For the Plaintiffs:

27 Edward A. Olds, Esquire
28 Carolyn Spicer Russ, Esquire
29 1007 Mount Royal Boulevard
30 Pittsburgh, PA 15223

31 For the Defendants:

32 Richard A. Lanzillo, Esquire
33 Knox McLaughlin Gornall & Sennett, P.C.
34 120 West Tenth Street
35 Erie, PA 16501

36 Reported by Carol A. Holdnack, RPR
37 Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 185</p> <p>1 Q. Did you try to talk to her about anything that she</p> <p>2 dismissed?</p> <p>3 A. No.</p> <p>4 Q. I think I understand your testimony. This was a</p> <p>5 general impression that you had, but it doesn't sound like</p> <p>6 there was really anything that she did or said that you can</p> <p>7 point to that would be critical or dismissive of you. Is</p> <p>8 that a fair summary?</p> <p>9 A. The only thing I could say that was dismissive</p> <p>10 would be when people get up and go open the door and lead</p> <p>11 you out, it typically means they're done talking with you.</p> <p>12 And she did that very quickly, whether I was through talking</p> <p>13 with her or not.</p> <p>14 Q. As I understand your answer two questions ago,</p> <p>15 there was never an instance you can think of where you were</p> <p>16 trying to discuss something with her and she was dismissive</p> <p>17 of you; is that correct?</p> <p>18 A. Right.</p> <p>19 Q. Did you ever try to go to any teacher or staff</p> <p>20 member regarding any topic and found them to be unwilling to</p> <p>21 talk to you?</p> <p>22 A. Could you repeat that, please.</p> <p>23 Q. Certainly. Did you ever attempt to go to any</p> <p>24 faculty or staff member in the school district and found</p> <p>25 that person unwilling to talk with you?</p>	<p style="text-align: right;">Page 187</p> <p>1 Q. And I don't know whether you said this or not</p> <p>2 during your earlier part of your deposition, but this is the</p> <p>3 question I want to really get to. Did you also feel</p> <p>4 somewhat protective of Mr. Yarbenet, given what he had told</p> <p>5 you about -- the way he had opened up to you about his --</p> <p>6 the loss of his first wife, about the problems he was having</p> <p>7 in his own marriage, things of that nature?</p> <p>8 A. I wouldn't say that I felt protective of him</p> <p>9 because of things that had happened to him, rather as though</p> <p>10 I needed to protect him in that he pretty much convinced me</p> <p>11 that if people found out they would blame me.</p> <p>12 Q. Did you feel sympathetic toward him?</p> <p>13 A. Yes, at times.</p> <p>14 Q. He confided in you some pretty personal stuff, did</p> <p>15 he not?</p> <p>16 A. He did.</p> <p>17 Q. Would he cry in front of you?</p> <p>18 A. Yes.</p> <p>19 Q. And you would console him by holding his hand or</p> <p>20 just listening?</p> <p>21 A. Right.</p> <p>22 Q. You explained this to me during the earlier part</p> <p>23 of the deposition. You explained about the threat, and the</p> <p>24 threat that he would take you to California and tie you to a</p> <p>25 tree.</p>
<p style="text-align: right;">Page 186</p> <p>1 A. I don't believe so. I certainly can't think of a</p> <p>2 particular instance.</p> <p>3 Q. And the lapse of time does not show up on a</p> <p>4 transcript. Would you agree with me, Stacy, that you</p> <p>5 thought about that answer for a -- for a minute or so?</p> <p>6 A. Right.</p> <p>7 Q. All right. Did any faculty member, staff member,</p> <p>8 or member of the administration at the Girard School</p> <p>9 District, other than Mr. Yarbenet, of course, ever treat you</p> <p>10 in a way that was in your assessment or estimation that you</p> <p>11 considered bad treatment?</p> <p>12 A. No.</p> <p>13 Q. Stacy, I wanted to make sure I have an</p> <p>14 understanding of the feelings you were experiencing at the</p> <p>15 time that Mr. Yarbenet was abusing you. And you explained</p> <p>16 this during the earlier part of your deposition. And here's</p> <p>17 what I gleaned from it, and just tell me if I've got it</p> <p>18 right. While this was occurring, the reason you didn't</p> <p>19 report it to anyone was a combination of reasons or</p> <p>20 feelings. You told us you were fearful --</p> <p>21 A. Right.</p> <p>22 Q. -- and you told us why. You told us that you</p> <p>23 enjoyed the attention, the nonphysical attention that you</p> <p>24 were getting from Mr. Yarbenet; is that fair?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Not California specifically, a coastal area.</p> <p>2 Q. All right. And I think you described that, and</p> <p>3 I'm summarizing it now, but I think you described that</p> <p>4 information in detail.</p> <p>5 A. Right.</p> <p>6 Q. Do you remember testifying in the preliminary</p> <p>7 hearing for Mr. Yarbenet's criminal case?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And the defense lawyer representing</p> <p>10 Mr. Yarbenet asked you whether he had threatened you -- ever</p> <p>11 threatened you?</p> <p>12 A. I remember that.</p> <p>13 Q. Do you remember you said no?</p> <p>14 A. I remember that.</p> <p>15 Q. Okay. Is it your testimony now that you said no</p> <p>16 then because you didn't recall the threat at that time?</p> <p>17 A. Correct.</p> <p>18 Q. Towards the end of your deposition on Tuesday,</p> <p>19 Stacy, you stated that you didn't tell anyone about Yarbenet</p> <p>20 because there was some sort of a hostile environment. I</p> <p>21 think you used the phrase hostile environment from your</p> <p>22 perception. Could you tell me what you meant by hostile</p> <p>23 environment?</p> <p>24 A. I'm not sure that's the term I used, although it</p> <p>25 might have been. What I mean when I say hostile environment</p>

5 (Pages 185 to 188)

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1 that you see there that now appears to be incorrect or
 2 wrong?
 3 A. (Witness complies.)
 4 Q. Are you reading on in 16?
 5 A. I'm reading on in 16. How far did you mean?
 6 Q. Well, actually, just to the top of Page 16 there
 7 where the paragraph ends.
 8 A. Okay. That's correct.
 9 Q. All right. And then I'm going to ask you about
 10 the material that follows. It says, "Before I started
 11 school at Girard High School, GHS" --
 12 A. Yes.
 13 Q. -- "Mr. Yarbenet went in and asked for my locker
 14 and combination, and they gave it to him." Who is the
 15 "they" in that sentence?
 16 A. I'm not sure who it would have been. It would
 17 have been anybody with access to.
 18 Q. Or somebody with access.
 19 A. Yeah.
 20 Q. You're not aware of a specific person giving your
 21 locker combination out, are you?
 22 A. No.
 23 Q. You're surmising that someone gave it out because
 24 he had it.
 25 A. Yes.

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1 Q. All right. He left you things in your locker;
 2 stickers, pictures, and other decorations?
 3 A. Right.
 4 Q. You said, "He would continue to leave notes and
 5 flowers in there" -- I assume that means your locker.
 6 A. Right.
 7 Q. -- "on occasion." How often did he do that?
 8 A. Not very often. Maybe another four, five times.
 9 Q. You said, "He would also send me letters in my
 10 homeroom." How many times did that occur?
 11 A. That was the letters that Mr. Bochicchio had for
 12 me.
 13 Q. We talked about that earlier.
 14 A. Yes.
 15 Q. Midway through your ninth grade year I see that
 16 you -- you say, "Started seeing a senior." You started
 17 dating a senior --
 18 A. Right.
 19 Q. -- at the high school? Okay. Sometime after
 20 that, Yarbenet showed up again and asked if you had anyone.
 21 Meaning did you have a boyfriend --
 22 A. Right.
 23 Q. -- was that your interpretation? You say here, "I
 24 told him it was none of his business and to stay away." So
 25 by this point you were telling him get lost, essentially?

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1 A. Right.
 2 Q. How did he respond?
 3 A. Tearfully.
 4 Q. You say that soon you heard some of the senior
 5 girls talking about him, asking about me, meaning you. "He
 6 also let it slip that he was regularly asking one or more of
 7 my teachers about me; how I was doing, who I was talking
 8 to." Yarbenet said that to you --
 9 A. Yes.
 10 Q. -- I've been checking up on you?
 11 A. Right.
 12 Q. Asking your teachers, seeing how you're doing?
 13 A. Right.
 14 Q. You say, "Mr. Yarbenet found out who I was seeing.
 15 He went to see J. P." --
 16 A. Right.
 17 Q. -- "at work and took some pictures of him and his
 18 friends." Who is J. P.?
 19 A. That was the boy I was dating at the time.
 20 Q. Where was he working?
 21 A. At a little diner-type place in Girard. I don't
 22 remember what it's called.
 23 Q. Yarbenet went there, or was there, and
 24 photographed J. P. and some of his friends at work?
 25 A. Right.

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1 Q. It says here for the yearbook. Correct?
 2 A. That's what it says. It wasn't for the yearbook,
 3 but rather that the yearbook was an afterthought or
 4 explanatory --
 5 Q. That was the excuse or justification --
 6 A. Right.
 7 Q. -- from your perspective. All right. You say,
 8 "Mr. Yarb went back to talk to J. and his parents." Do
 9 you know what they talked about?
 10 A. Not really.
 11 Q. Did J. ever tell you?
 12 A. No.
 13 Q. When you say --
 14 A. Something about, you know, not hurting me.
 15 Q. The same type of stuff, as far as you know, that
 16 he spoke with M. G. about?
 17 A. Right.
 18 Q. When you say he went back to talk to J. and his
 19 parents, were they at the same eating establishment, or is
 20 this at home, or?
 21 A. No, because J. worked at that diner, his parents
 22 were in there eating. And he went in there and talked.
 23 Q. Oh, I see. You didn't actually overhear that
 24 conversation?
 25 A. No.

19 (Pages 241 to 244)

15a

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1 Q. Did anyone tell you what was said?

2 A. They didn't tell me like explicitly what was said.

3 But sometime later, after Mr. Yarbenet had told me that he

4 visited J [REDACTED] parents, and J [REDACTED] had told me that he visited

5 his parents, one or both of them said that it was something

6 to the effect of taking care of me.

7 Q. You say here on Page 17, "This year I changed

8 schools. I now attend Collegiate Academy. The change was

9 partially due to the way people treated me because of what

10 they suspected with Yarb, partially the invasion of privacy

11 he continued to show me, and, of course, I also wanted to

12 change for the academic benefits."

13 You perceived Collegiate to be a better

14 educational institution than Girard High School?

15 A. Yeah, I did. I didn't really --

16 MR. LANZILLO: Sorry.

17 MR. MAYNARD: Things have changed.

18 Q. Were you finished with your answer?

19 A. I hadn't really looked into it that much, but I'd

20 heard that it was good. And it was away from Girard, so it

21 sounded like a good plan.

22 Q. You say due to the way people treated you because

23 of what they suspected with Yarb. What are you talking

24 about there?

25 A. There had been a couple of times, anyway, when he

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1 would call me Mrs. Yarbenet. They -- just teasing me,
2 because they didn't know what else to do or say.
3 Q. Who made snide comments to you?
4 A. There was this one kid named Z [REDACTED]
5 Q. K [REDACTED]?
6 A. C [REDACTED]. And there were others. I don't
7 remember them by name and what they said now, but.
8 Q. Do you remember what Z [REDACTED] said?
9 A. I don't remember what he said. There were
10 multiple times when he said things, but I know that he did
11 write in one of my yearbooks and called me Mrs. Yarbenet.
12 Q. All right. So he addressed it to Mrs. Yarbenet.
13 A. Yes.
14 Q. All right. Instead of your name. All right. Did
15 anyone ever state to you that they suspected abuse?
16 A. No. Not in such a blunt fashion. They would hint
17 around it.
18 Q. You're going to have tell me what you mean,
19 though, when you say hint.
20 A. When I say hint, they would just bring up the
21 topic. Be like, it's kind of weird, isn't it? There's
22 something not quite right, isn't there? Maybe?
23 Q. Who said that?
24 A. Some of my peers.
25 Q. Do you remember anyone in particular?

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1 approached my friends and asked them to leave me alone
2 because I was a liar. And that --
3 Q. I'm sorry? Because you were a liar?
4 A. He told my friends that I was a liar, and he told
5 my friends that I was talking about them and spreading
6 rumors about them behind their backs. There were a couple
7 times when he made every effort to make everyone mad at me.
8 And so there were only maybe two people who didn't believe
9 him.
10 Q. So he -- it was your understanding that he had
11 spread rumors about you in terms of your truthfulness, and
12 as part of what you perceived to be an effort on his part to
13 turn people against you?
14 A. To alienate me from them.
15 Q. Anything else?
16 A. People, they suspected that there was abuse going
17 on. And that's not something people accept readily. Not
18 even that they don't accept it; it's that they don't
19 understand the pain involved with it. That, obviously, as a
20 child, that it wasn't anything I asked for. And, I mean,
21 that's a widespread thing. People treat you differently.
22 Q. What makes you think they suspected that abuse was
23 going on?
24 A. Some of the snide comments that people made. Some
25 of the ways that the kids would sign my yearbook. They

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1 A. No. There are a number of them.
2 Q. Can you remember any of them?
3 A. H [REDACTED] P [REDACTED]
4 Q. H [REDACTED] P [REDACTED]?
5 A. Right. C [REDACTED] W [REDACTED]. C [REDACTED] S [REDACTED]
6 And then like N [REDACTED] D [REDACTED] and people that you already have
7 written down.
8 Q. Although I'm asking you now, though, in terms of
9 people who expressed the sentiment that there's something
10 not quite right.
11 A. Okay. Let's see. You can add to that list A [REDACTED]
12 B [REDACTED], J [REDACTED] Z [REDACTED], A [REDACTED] R [REDACTED]. I do not know how to
13 spell that. C [REDACTED] R [REDACTED]. And that's all I can think of at
14 the moment.
15 Q. And are these all classmates of yours, are all in
16 your grade, or some older, younger?
17 A. Most of them are in my grade. Some of them are a
18 little older. *
19 Q. All students, though.
20 A. Yes.
21 Q. I take it no adult ever asked you whether there
22 was any abuse or improper conduct occurring towards you by
23 Mr. Yarbent, other than your mother on that one occasion we
24 discussed.
25 A. Right.

20 (Pages 245 to 248)

<p style="text-align: right;">Page 249</p> <p>1 Q. Have we now talked about all the ways people 2 treated you as described or referenced here on top of Page 3 17? You talk about the reason why -- the change was 4 partially due to the way people treated you. 5 A. Right. It's just important to remember the extent 6 to which people would ostracize me for this. It wasn't just 7 one or two. It was more of a common belief. Because they 8 were all there during middle school, and they saw the way 9 that he kept me separate from the others. 10 Q. When you say ostracized you because of this, what 11 do you mean by "this"? 12 A. I mean, they didn't know what was happening, but 13 they saw that he treated me differently. And that there 14 were any number of rumors at any time. And they believed 15 them. They believed what they wanted to. 16 Q. Are you surmising that, or did someone tell you 17 about the rumors and what they believed? 18 A. After I had switched schools, there were two girls 19 who started telling me about the rumors. Each said the 20 other had started them. But I heard from people besides 21 these two girls that they had heard them, and that they were 22 generally believed. 23 Q. Who were those girls that told you that? 24 A. C. [REDACTED] S. [REDACTED] and N. [REDACTED] M. [REDACTED] 25 Q. Was this after the disclosure?</p>	<p style="text-align: right;">Page 251</p> <p>1 A. Yes. 2 Q. "The second gold ring was given to me later. And 3 he had my" -- help me, please. 4 A. "He had me closing my eyes and hold out my hands." 5 Q. "And he placed the ring" -- 6 A. Right. 7 Q. -- "on my left ring finger, and asked me to wear 8 it every day and to tell everyone that someone else had 9 given it to you -- to me." To you, obviously. 10 A. Right. 11 Q. And did you do that? 12 A. I did. 13 Q. You wore it, and if anyone asked, you said it was 14 from someone else? 15 A. Right. 16 Q. "He said this was Trudy's, his first wife's, ring. 17 She wore when they traveled" -- help me. 18 A. "So no one would take her real wedding band." 19 Q. Okay. "Which he described in detail how he had to 20 go to the crematory and pry it off of her cold, dead and 21 swollen fingers, and what it was like to see her dead, et 22 cetera. The third ring he gave me and asked me to wear on a 23 chain around my neck and to keep it in my pillow at night. 24 He said he had a third of Trudy's rings, her engagement 25 ring, and that he would have it" -- I'm sorry.</p>
<p style="text-align: right;">Page 250</p> <p>1 A. Yes. 2 MR. OLDS: The disclosure; you mean after he was 3 arrested? I don't know what disclosure you're 4 talking about there. 5 MR. LANZILLO: All right. That's a fair question. 6 Q. After -- 7 A. After he had been arrested and it was on the news, 8 they came to me to tell me what people had been saying all 9 along. 10 Q. Yarbenet had given you some rings? 11 A. Yes. 12 Q. His first wife's wedding ring, wedding band? 13 A. Yes. 14 Q. When did he give you those, Stacy? Well, you say 15 here -- maybe expedite this. You say the bottom of Page 17, 16 "The rings were given to me on three separate occasions over 17 the time the abuse was going on. I believe the thin wedding 18 band was given to me first. He asked me to keep it with 19 one" -- 20 A. "Keep it with me." 21 Q. Keep it with you. 22 A. "And not tell anyone I had it." 23 Q. And not tell anyone you had it. Okay. Did you do 24 that, did you keep it with you and not disclose where it 25 came from?</p>	<p style="text-align: right;">Page 252</p> <p>1 A. "Have the diamond reset for me." 2 Q. "Because I was her."? 3 A. That's what he said. 4 Q. "He never did reset for me because" -- I'm sorry, 5 he never did, period. So although he said he would do that, 6 that did not happen. 7 A. Right. 8 Q. All right. "He often told me about their life and 9 what it was like to watch her die and take care of her and 10 her last words. On Thursday I saw a therapist. I have 11 another appointment on Tuesday. On Friday start on Paxil. 12 I've continued going through my room since the last time I 13 turned over evidence, and have come up with many more notes 14 and letters and pictures." Dated April 1, 2002. 15 A. Right. 16 Q. Did you turn over those additional notes and 17 letters and pictures to the police? 18 A. Yes. 19 Q. All right. Everything you had from Yarbenet, as 20 far as notes and pictures and the like, have been turned 21 over to the police? 22 A. Yes. 23 Q. Stacy, did you ever destroy any of the materials 24 that Yarbenet had given you? 25 A. There had been times during the abuse and before</p>

21 (Pages 249 to 252)

17a

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1 disclosure when, in the occasional fit of rage, I would tear
2 up photos, letters, break things that he had given to me.
3 Q. Okay. Can you estimate how many notes and cards
4 and pictures you may have destroyed over the course of the
5 time you knew Yarbenet?
6 A. Maybe 50 notes, and 10 or 15 pictures.
7 Q. Other than the materials that were delivered to
8 the police, plus the notes and pictures you just described
9 that you destroyed, were there other things that you may
10 have lost or discarded in the ordinary course?
11 A. There would have been some T-shirts, or stuffed
12 animals, or random things that I got rid of in fashions
13 other than that.
14 Q. As I recall, you reported Yarbenet to Amy Mulligan
15 in or around April of 2002?
16 A. Just before April.
17 Q. Late March?
18 A. Right.
19 Q. All right. Ms. Mulligan, was she your geometry
20 teacher?
21 A. Yes.
22 Q. How was it that you came to tell Ms. Mulligan what
23 Yarbenet had done?
24 A. Well, I was a new student at the school. And she
25 had been paying special attention to me, to make sure I was

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1 adjusting okay. She was perhaps overvigilant for students
2 with difficulties of some sort. And what she noticed most
3 about me was this exaggerated startle response that I have
4 as a result of all of the abuse. And she decided that there
5 was definitely some sort of trauma, and that she was going
6 to find out what it was and try to help me fix it.
7 Q. I take it she told you those things.
8 A. Yes.
9 Q. Okay. When did she first say to you that she had
10 noticed, and maybe I shouldn't use this word, but an
11 exaggerated startle response?
12 A. In January.
13 Q. Okay.
14 A. Of that year.
15 Q. The phrase, "exaggerated startle response," I
16 recognize as a term often used by counselors, psychologists,
17 psychiatrists. Did she use that term, or is that a term
18 that you've come to understand since you've started
19 seeing -- or obtaining some counseling and support?
20 A. No, that's a term she used.
21 Q. She said words to the effect that, you seem to
22 have an exaggerated startle response, is there something
23 wrong, something -- words to that effect?
24 A. To that effect. Much more fluent than that, but,
25 yes.

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1 Q. I was hoping you were just really bright in math;
2 apparently, you're pretty good in English too. Tell me what
3 she said, the best of your recollection.
4 A. Well, you know, she started out more casually than
5 sitting down and being like, I am sorry, but I've been
6 observing these things in you. It was like, the other day
7 when I tried to get your attention, and you didn't hear me,
8 and I poked you on the shoulder and you screamed, it's kind
9 of weird.
10 Q. Thought you were going to jump through the roof.
11 A. Yeah.
12 Q. Yeah, okay. All right. So this was a progressive
13 thing that occurred over time. I take it you developed a
14 good student/teacher relationship with Ms. Mulligan.
15 A. This was a good student/teacher relationship, yes.
16 Q. Did you open up to her over time?
17 A. I suppose. She observed for a long period of time
18 that any sort of distressing behavior that she thought I
19 might have, she watched and watched and watched, and talked
20 to the school counselors about it, and decided that -- they
21 collectively decided that chances are I would not talk to
22 one of them. And so they gave her permission to continue to
23 try to figure out what the problem was. And, yeah,
24 eventually I admitted, yeah, something happened.
25 Q. Okay.

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1 A. And, you know, maybe a month later, it happened at
2 my old school. And maybe a couple weeks later, you know,
3 she eventually got it out of me.
4 Q. Would you talk to her about this -- and I
5 understand this was a progressive process here. But would
6 this occur only in class, or would you see her in study
7 hall, after school, before school? When did you have these
8 conversations with her?
9 A. We would eat lunch together a lot.
10 Q. Okay.
11 A. And sometimes we would, you know, just in passing
12 in the hallway.
13 Q. Just the two of you? You would have these
14 conversations one-on-one?
15 A. Right.
16 Q. Ever before school, ever after school?
17 A. Not really at that point.
18 Q. Did there come a point in time when your
19 conversations with Ms. Mulligan included times after or
20 before school?
21 A. Yes.
22 Q. When was that?
23 A. That would be shortly after I disclosed to her
24 what had happened. And then in the subsequent years that I
25 attended the school.

22 (Pages 253 to 256)

18a

<p style="text-align: right;">Page 257</p> <p>1 Q. So it would have been after March of 2002.</p> <p>2 A. Right.</p> <p>3 Q. As I understand the progression, and correct me if</p> <p>4 I'm wrong, in or around January of 2002 you started feeling</p> <p>5 more comfortable talking with Ms. Mulligan. You initially</p> <p>6 acknowledged to her that there had been some trauma, some</p> <p>7 problem, that her observations about your behavior, her</p> <p>8 instincts were correct. There was something.</p> <p>9 A. Right.</p> <p>10 Q. But you didn't tell her what it was at that point.</p> <p>11 A. Right.</p> <p>12 Q. At some point thereafter, you in follow-up</p> <p>13 conversations, you said, well, it involved something at my</p> <p>14 old school.</p> <p>15 A. Right.</p> <p>16 Q. All right. When did you tell her that it involved</p> <p>17 something with your old school?</p> <p>18 A. I'm not sure when I finally agreed to that.</p> <p>19 That's something she had been insinuating for some time.</p> <p>20 And, yeah, maybe the end of January, beginning of February.</p> <p>21 Q. And I recognize you're releasing information to</p> <p>22 her incrementally. What's the next thing that you felt</p> <p>23 comfortable either telling her or intimating to her?</p> <p>24 A. Beyond that point, the comfort level was zero.</p> <p>25 And when spring break approached at the end of March, she</p>	<p style="text-align: right;">Page 259</p> <p>1 she would ask you questions, and you would either shake your</p> <p>2 head yes or say yes. If she was starting to go the wrong</p> <p>3 direction, you would say no. And then she essentially --</p> <p>4 A. And by the end of the drive home, I was at a point</p> <p>5 where I was forced to explain, but, yeah.</p> <p>6 Q. Did she -- well, during the --</p> <p>7 A. In other words, she was going too far in the wrong</p> <p>8 direction, and like that's -- no, here's what happened.</p> <p>9 Q. All right. So it got to a point where you ended</p> <p>10 the --</p> <p>11 A. 20 questions.</p> <p>12 Q. Yeah, the interrogation, and just said look, here</p> <p>13 it is.</p> <p>14 A. Right.</p> <p>15 Q. All right. Did she ask you whether you had been</p> <p>16 physically abused? Was that one of her 20 questions?</p> <p>17 A. Yes.</p> <p>18 Q. And you acknowledged that you had?</p> <p>19 A. Right.</p> <p>20 Q. Did she ask you whether the abuse occurred at the</p> <p>21 hands of an adult?</p> <p>22 A. Yes.</p> <p>23 Q. Did she ask you whether it had occurred at the</p> <p>24 hands of a family member?</p> <p>25 A. She asked.</p>
<p style="text-align: right;">Page 258</p> <p>1 just kind of decided that enough was enough. And we went</p> <p>2 out to lunch one day. And she's just like, all right,</p> <p>3 here's what I think happened. And she explained with a</p> <p>4 great degree of accuracy what had gone on. And so it wasn't</p> <p>5 so much me telling her as going, yeah, that was it, yes,</p> <p>6 yes, no, yes, no. And so --</p> <p>7 Q. Okay. So this was, I'm sorry, after spring break</p> <p>8 or during spring break?</p> <p>9 A. During.</p> <p>10 Q. So school is out of session, on a vacation. And</p> <p>11 how is it that you came to be going out to lunch together,</p> <p>12 did she call you?</p> <p>13 A. She asked my mom if it would be okay. Because she</p> <p>14 and the counselors had been talking, and they had been</p> <p>15 talking with my mom. And they're like, something's going on</p> <p>16 and something's got to give, so.</p> <p>17 Q. And during this lunch -- where did you have lunch?</p> <p>18 A. Applebee's.</p> <p>19 Q. During the lunch, she would ask you questions --</p> <p>20 A. Not at lunch, on the way back to my house.</p> <p>21 Q. I see. So lunch was just lunch.</p> <p>22 A. Lunch was just lunch. Because that would be a</p> <p>23 little embarrassing, to have someone go psychotic in the</p> <p>24 middle of Applebee's.</p> <p>25 Q. So on the drive back from Applebee's to your house</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. And you said no to that.</p> <p>2 A. Right.</p> <p>3 Q. Eventually, either the next question, or at some</p> <p>4 point, did it occur at school?</p> <p>5 A. Right.</p> <p>6 Q. Did she ask you whether it was a teacher?</p> <p>7 A. Right.</p> <p>8 Q. And you're acknowledging yes now.</p> <p>9 A. Right.</p> <p>10 Q. All right. At this point in the conversation</p> <p>11 you're not yet forthcoming. I take it she still has -- she</p> <p>12 still is having to ask you the questions.</p> <p>13 A. She's still prying.</p> <p>14 Q. All right. And you are somewhat reluctantly</p> <p>15 responding.</p> <p>16 A. Right.</p> <p>17 Q. All right. Then you indicated she started to go</p> <p>18 in the wrong direction.</p> <p>19 A. I don't recall what direction it was. I'm just</p> <p>20 like, that's completely wrong, no.</p> <p>21 Q. Is it basically, okay, we've come this far with</p> <p>22 the 20 questions, we might as well go the rest of the way</p> <p>23 and I'll just tell you?</p> <p>24 A. Yeah.</p> <p>25 Q. All right. And is that when you identified</p>

23 (Pages 257 to 260)

19a

<p style="text-align: right;">Page 261</p> <p>1 Gregory Yarbenet as the abuser?</p> <p>2 A. Yes.</p> <p>3 Q. You definitely used his name during that</p> <p>4 discussion?</p> <p>5 A. She definitely pulled off the road and wrote it</p> <p>6 down.</p> <p>7 Q. All right. Okay. Is it your understanding that</p> <p>8 once she had your information concerning Gregory Yarbenet,</p> <p>9 she turned the information in to authorities?</p> <p>10 A. Yes.</p> <p>11 Q. All right. Did you develop a friendship with</p> <p>12 Ms. Mulligan?</p> <p>13 A. Yes.</p> <p>14 Q. It just sounded like she -- even after your</p> <p>15 disclosure, she stayed pretty close with you, and kind of --</p> <p>16 maybe not counseled you in a formal sense, but was there.</p> <p>17 A. She got really emotionally involved in this.</p> <p>18 Q. What do you mean by that?</p> <p>19 A. Just that there was something about the entire</p> <p>20 situation that reminded her of a personal experience. One</p> <p>21 of her sons is bipolar, and she's got a real sensitivity to</p> <p>22 kids in distress.</p> <p>23 Q. Okay. So in terms of her, for lack of a better</p> <p>24 word, radar or antennae for kids that are, you know, in</p> <p>25 emotional distress, having emotional difficulties, it was</p>	<p style="text-align: right;">Page 263</p> <p>1 Q. Okay. Saw him a lot. More than a dozen, you</p> <p>2 think?</p> <p>3 A. Yes.</p> <p>4 Q. There was an exchange of e-mails I saw in your</p> <p>5 records, and I couldn't follow real well. Why was it that</p> <p>6 you stopped seeing Mr. Natalie?</p> <p>7 A. We were no longer comfortable going through this</p> <p>8 together. In the beginning, he had said that he wasn't sure</p> <p>9 if I would be more comfortable with a female counselor for</p> <p>10 this sort of thing.</p> <p>11 Q. Right.</p> <p>12 A. And at some point Mrs. Mulligan raised an issue</p> <p>13 with him that perhaps he was intimidating me. And then he</p> <p>14 became angry because he thought, if that's the case, then I</p> <p>15 should have been the one to tell him. He said that that was</p> <p>16 a trust issue that could not be surmounted. And then he</p> <p>17 changed his mind. But I'm like, you yelled at me, I don't</p> <p>18 want to talk to him.</p> <p>19 Q. When you say, "you yelled at me," you're talking</p> <p>20 about -- and that's for your counsel, and this one is for</p> <p>21 you. And you don't have to start reading that yet, I just</p> <p>22 wanted you to have it. But you say he yelled at you, who</p> <p>23 said he yelled at you?</p> <p>24 A. I said.</p> <p>25 Q. Okay. Did he yell at you?</p>
<p style="text-align: right;">Page 262</p> <p>1 your understanding, based upon her conduct and her comments,</p> <p>2 that that's how she picked up on the fact that you were</p> <p>3 having problems?</p> <p>4 A. Right.</p> <p>5 Q. And then she stayed with you after the disclosure.</p> <p>6 A. Right.</p> <p>7 Q. All right. I know that you had received some</p> <p>8 counseling from different sources. Did you see a Jeff</p> <p>9 Natalie?</p> <p>10 A. Yes.</p> <p>11 Q. He's out on, what, West Ridge Road?</p> <p>12 A. Yeah.</p> <p>13 Q. Is he in a group?</p> <p>14 A. I guess he is now.</p> <p>15 Q. Do you know whether he specializes in kids?</p> <p>16 A. Kids and family therapy.</p> <p>17 Q. Was there ever any family counseling that you</p> <p>18 participated in with your mom or your dad or all of you?</p> <p>19 A. They were going to a marriage counselor. I went</p> <p>20 with them once.</p> <p>21 Q. Who was their marriage counselor?</p> <p>22 A. Linda -- I don't remember her last name.</p> <p>23 Q. That's all right. How many times did you see Jeff</p> <p>24 Natalie?</p> <p>25 A. Enough that I lost count.</p>	<p style="text-align: right;">Page 264</p> <p>1 A. He was very stern.</p> <p>2 Q. In what respect?</p> <p>3 A. In that he said that if I was having an issue with</p> <p>4 discomfort in the office, then I should have been able to</p> <p>5 tell him. And he felt like I was being untruthful because I</p> <p>6 didn't.</p> <p>7 Q. At that point you -- was it your decision to</p> <p>8 terminate counseling with him?</p> <p>9 A. Yes.</p> <p>10 (Stacy Shaffer Deposition Exhibit 2 marked for</p> <p>11 identification.)</p> <p>12 Q. Stacy, I've handed you now what we've marked as</p> <p>13 Exhibit 2 to your deposition. And I believe these are</p> <p>14 records from Mr. Natalie. Do you happen to recognize the</p> <p>15 handwriting? And if you don't, that's all right.</p> <p>16 A. I don't.</p> <p>17 Q. There's a note here, Stacy S [REDACTED] 3/28/02, paren.</p> <p>18 Looks like Candy M?</p> <p>19 A. M probably for mother.</p> <p>20 Q. Mother. Dennis F for father in attendance. All</p> <p>21 right. So I take it your parents were there for the first</p> <p>22 session with Mr. Natalie?</p> <p>23 A. Yeah.</p> <p>24 Q. And that date, would you -- does that date appear</p> <p>25 to be the first time you would have gone to see him?</p>

24 (Pages 261 to 264)

20a

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

1

2

3 STACY S; and JOHN and :
4 MARY ELLEN S., on behalf :
5 of their daughter, LEIGH :
6 ANN S., a minor, :
7 Plaintiffs :
8 :

9 vs. : Civil Action No. 04-150E
10 :

11 GIRARD SCHOOL DISTRICT; :
12 ROBERT SNYDER, : HONORABLE SEAN J. MCLAUGHLIN
13 Individually and in his :
14 capacity as Principal of :
15 the Rice Avenue Middle :
16 School; and GREGORY :
17 YARBENET, a professional :
18 employee of the Girard :
19 School District, :
20 Defendants : Jury Trial Demanded
21

12

13

VOLUME I

14 Deposition of LEIGH ANN S. [REDACTED], taken before and
15 by Carol A. Holdnack, RPR, Notary Public in and for
16 the Commonwealth of Pennsylvania, on Thursday,
17 April 21, 2005, commencing at 2:15 p.m., at the
18 Crawford County Courthouse, Meadville, PA.

17

For the Plaintiffs:

18 Edward A. Olds, Esquire
19 Carolyn Spicer Russ, Esquire
20 1007 Mount Royal Boulevard
21 Pittsburgh, PA 15223

20

For the Defendants:

21 Richard A. Lanzillo, Esquire
22 Knox McLaughlin Gornall & Sennett, P.C.
23 120 West Tenth Street
24 Erie, PA 16501

24

25

Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

Stacy S. v. Girard School District, et al.

Leigh Ann Simkovitch

	Page 2		Page 4
1	I N D E X	1	A. I go to Girard High School.
2		2	Q. What grade?
3	LEIGH ANN S [REDACTED]	3	A. Tenth grade.
4	Direct Examination by Mr. Lanzillo 3	4	Q. Tell me a little bit about your parents. Where
5		5	does your dad work?
6		6	A. My dad works for the Erie County Prison. He's a
7		7	corrections officer.
8		8	Q. Okay. And how long has he worked there, do you
9		9	know?
10		10	A. I'm not sure about the --
11		11	Q. Long time?
12		12	A. Yeah.
13		13	Q. He's been there for a while?
14		14	A. Yeah.
15		15	Q. How about your mom, does she work outside the
16		16	home?
17		17	A. Yeah, she's an administrative assistant at Gannon
18		18	University.
19		19	Q. And brothers and sisters?
20		20	A. I have four sisters.
21		21	Q. Okay. What are their names and ages?
22		22	A. S [REDACTED] is 20.
23		23	Q. S [REDACTED] is 20.
24		24	A. J [REDACTED] is 19. R [REDACTED] is 17. And A [REDACTED] is 14.
25		25	Q. And did your sisters all attend Girard schools?
1	LEIGH ANN S [REDACTED], first	1	A. Allison is still in middle school. So she is in
2	having been duly sworn, testified as follows:	2	Girard School District. S [REDACTED] moved to General McLane for a
3		3	short while, but ended up getting her diploma from Girard.
4	DIRECT EXAMINATION	4	Q. And what about J [REDACTED] and R [REDACTED]?
5	BY MR. LANZILLO:	5	A. J [REDACTED] and R [REDACTED] are both seniors at Girard.
6		6	Q. And did they each attend Rice Avenue Middle
7	Q. Hi, Leigh Ann. You know I'm Rich Lanzillo. You	7	School?
8	sat through, I think, all the depositions; is that correct?	8	A. No. Everybody attended Saint John's School in
9	A. I think so.	9	Girard.
10	Q. Okay. I'm not going to go through the ground	10	Q. Okay. And that's where you started, correct?
11	rules again because you've heard them at least half a dozen	11	A. Yes.
12	times. The only thing, again, if you don't understand one	12	Q. You went to Saint John's through part of your
13	of my questions or if you don't hear me clearly, let me	13	sixth grade year?
14	know, and I'll repeat or rephrase for you. Okay?	14	A. Right.
15	A. Okay.	15	Q. Okay. And why did you transfer?
16	Q. All right. How old are you today?	16	A. A number of reasons. Just I wasn't getting along
17	A. I'm 16.	17	with a lot of kids there. And I just wasn't -- I don't
18	Q. Okay. And what's your date of birth?	18	know. I wasn't adjusting very well and needed a change.
19	A. August 16th, 1988.	19	Q. Okay. And when during your sixth grade year did
20	MR. LANZILLO: So -- and maybe this is more	20	you transfer, do you recall?
21	appropriate for Ed. The actual parties to the	21	A. I think it might have been February. I'm not
22	litigation, then, remain Leigh Ann's parents as	22	totally sure, though.
23	her parents and natural guardians; correct?	23	Q. You don't remember the year, do you? It's in your
24	MR. OLDS: That's correct.	24	records somewhere, but if you remember.
25	Q. Leigh Ann, where do you go to school right now?	25	A. It's in the record.

2 (Pages 2 to 5)

21.1a

<p style="text-align: right;">Page 10</p> <p>1 A. It's just encouragement. It's nothing.</p> <p>2 Q. Okay. That's fine. I just -- anything you show a</p> <p>3 witness during their testimony can become subject of</p> <p>4 examination. I don't need to see it if it's just a personal</p> <p>5 note of encouragement.</p> <p>6 A. Yeah.</p> <p>7 Q. Are you okay?</p> <p>8 A. Yeah.</p> <p>9 Q. You had mentioned that you had seen two people,</p> <p>10 you think at the Crime Victims Unit. And do you remember</p> <p>11 about how many times you saw them?</p> <p>12 A. Michelle, I saw her quite a few times. A lot.</p> <p>13 And then she went on maternity leave, so I had to see the</p> <p>14 other lady. And I didn't see her very many times. Maybe</p> <p>15 two or three.</p> <p>16 Q. Okay. And how was it that you stopped seeing</p> <p>17 Michelle or the other lady?</p> <p>18 A. I stopped seeing the other lady because I wasn't</p> <p>19 comfortable with a new person. She was a stranger. I</p> <p>20 didn't know her very well. And I just wasn't comfortable.</p> <p>21 Q. Have you been back to see Michelle since you</p> <p>22 stopped seeing the so-called other lady?</p> <p>23 A. No.</p> <p>24 Q. Do you have any plans to see anyone else?</p> <p>25 A. I was thinking about it. I talked to my mom about</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Do you remember how long you took it, Leigh Ann?</p> <p>2 A. I took it off and on. I wasn't required to take</p> <p>3 it every day or anything. When I had a big day coming up or</p> <p>4 something like that, something I could have an anxiety</p> <p>5 attack over.</p> <p>6 Q. When is the last time that you had that</p> <p>7 medication, any medication for anxiety?</p> <p>8 A. Probably my eighth grade year. I think that's</p> <p>9 when I stopped taking it.</p> <p>10 Q. So for at least a year and a half you haven't had</p> <p>11 any need to take your medication?</p> <p>12 A. Right.</p> <p>13 Q. And the last time that you saw Michelle Peterson</p> <p>14 or the other woman at the Crime Victims Unit would have been</p> <p>15 eighth grade as well?</p> <p>16 A. Yes, eighth grade.</p> <p>17 Q. Okay. I don't want to put words in your mouth,</p> <p>18 but --</p> <p>19 A. No.</p> <p>20 Q. -- it seemed that way.</p> <p>21 A. It's eighth grade.</p> <p>22 Q. Okay. You mentioned that you had some anxiety</p> <p>23 attacks?</p> <p>24 A. Right.</p> <p>25 Q. Do you remember when those occurred?</p>
<p style="text-align: right;">Page 11</p> <p>1 it the other night.</p> <p>2 Q. Anyone in particular?</p> <p>3 A. No.</p> <p>4 Q. Who is your family doctor?</p> <p>5 A. Dr. Treusch.</p> <p>6 Q. And is that a man or a woman?</p> <p>7 A. It's a woman.</p> <p>8 Q. Okay. And where is her office located?</p> <p>9 A. It's at Elk Valley Medical Center in Girard.</p> <p>10 Q. In Girard. Okay. Has she always been your family</p> <p>11 doctor?</p> <p>12 A. Yeah.</p> <p>13 Q. Do you talk to her about any of the -- any</p> <p>14 concerns or issues relating to Greg Yarbenet? Or is it --</p> <p>15 A. I know I went for those anxiety attacks, we went</p> <p>16 and I got checked out there. And we told her about what had</p> <p>17 gone on. And she said that was probably the result of it.</p> <p>18 But that's really the extent that we talked about it.</p> <p>19 Q. Okay. And are you on any medication now?</p> <p>20 A. No.</p> <p>21 Q. Have you ever taken any medication for stress or</p> <p>22 anxiety?</p> <p>23 A. I was on an anxiety medication.</p> <p>24 Q. Do you remember what it was?</p> <p>25 A. No, I don't.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Those occurred when I came forward about</p> <p>2 Mr. Yarbenet.</p> <p>3 Q. Okay.</p> <p>4 A. And it was just a really rough time.</p> <p>5 Q. So you came forward, as I recall -- was it October</p> <p>6 of 2002?</p> <p>7 A. It might have been.</p> <p>8 Q. Okay. You don't remember?</p> <p>9 A. No, not the exact time.</p> <p>10 Q. Was it that fall of 2002?</p> <p>11 A. I'm pretty sure.</p> <p>12 Q. Prior to coming forward, were you interviewed by</p> <p>13 the police?</p> <p>14 A. Yes.</p> <p>15 Q. Back in the spring of 2002?</p> <p>16 A. I think so.</p> <p>17 Q. Maybe April 2002.</p> <p>18 A. Yeah, it was right after Mr. Yarbenet was taken</p> <p>19 out of the school.</p> <p>20 Q. Okay. And do you remember what you told the</p> <p>21 police at that time?</p> <p>22 A. Not specifically. Just that --</p> <p>23 Q. Tell me what you remember.</p> <p>24 A. I remember them asking me questions about if he</p> <p>25 ever touched me inappropriately, and I said no. And I</p>

4 (Pages 10 to 13)

22a

<p style="text-align: right;">Page 14</p> <p>1 remember telling them that I had notes that he had written</p> <p>2 me. But that was the extent.</p> <p>3 Q. Okay. The information you shared at the time,</p> <p>4 that Yarbenet had not touched you inappropriately when the</p> <p>5 police first asked you, that was not accurate?</p> <p>6 A. Right.</p> <p>7 Q. Why was it that you did not disclose at that time</p> <p>8 what had occurred?</p> <p>9 A. Well, I just wasn't -- I'm thinking how I want to</p> <p>10 word it. I was scared. I was very scared. I didn't want</p> <p>11 to get anybody in trouble. For some reason, I thought I</p> <p>12 would. I didn't think I would be able to handle something</p> <p>13 that big at that time. I just thought it would be better if</p> <p>14 I kept it to myself.</p> <p>15 Q. Okay. Let's go back to when you joined the Girard</p> <p>16 School District. I take it you met Mr. Yarbenet for the</p> <p>17 first time in connection with your science class?</p> <p>18 A. Right.</p> <p>19 Q. In sixth grade. Had you ever met him prior to</p> <p>20 that?</p> <p>21 A. No.</p> <p>22 Q. Were there any problems during that partial sixth</p> <p>23 grade year that you attended the high school -- excuse me,</p> <p>24 the middle school, with Yarbenet?</p> <p>25 A. Not really big problems. I guess I just thought</p>	<p style="text-align: right;">Page 16</p> <p>1 the summer of your first -- following your first year at</p> <p>2 Girard Middle School, Rice Avenue Middle School?</p> <p>3 A. I don't think so.</p> <p>4 Q. Now, I know the curriculum is a bit different</p> <p>5 coming to Rice Avenue from Saint John's.</p> <p>6 A. Right.</p> <p>7 Q. And so you and your parents elected to repeat the</p> <p>8 sixth grade?</p> <p>9 A. Right.</p> <p>10 Q. And did you have Yarbenet again for science?</p> <p>11 A. Right, yes.</p> <p>12 Q. Any change in your teachers at all during that</p> <p>13 second year in sixth grade?</p> <p>14 A. I don't think so. I might have had different -- I</p> <p>15 might have had different electives.</p> <p>16 Q. Do you remember any differences, offhand?</p> <p>17 A. Not that I can remember.</p> <p>18 Q. When is the first time you remember Yarbenet doing</p> <p>19 anything that made you uncomfortable?</p> <p>20 A. The first thing I can really recall that really</p> <p>21 stands out is the time we were watching a movie in class.</p> <p>22 And I went up to his desk to ask him a question about</p> <p>23 something that was on our worksheet. And he was touching my</p> <p>24 inner thigh.</p> <p>25 Q. I take it you came around his desk --</p>
<p style="text-align: right;">Page 15</p> <p>1 of him as a very friendly guy.</p> <p>2 Q. Did he touch you in any way that made you</p> <p>3 uncomfortable or that you considered inappropriate between</p> <p>4 February and the end of that academic year?</p> <p>5 A. Not that I can remember.</p> <p>6 Q. Okay. Did he say anything to you between February</p> <p>7 and the end of that academic year, that even looking back on</p> <p>8 it now, maybe not at the time, but even looking back on it</p> <p>9 now, that seemed inappropriate?</p> <p>10 A. I can't -- everything is really jumbled together</p> <p>11 time-wise, so.</p> <p>12 Q. You can't recall anything, sitting here?</p> <p>13 A. No, not right now.</p> <p>14 Q. How was he as a teacher?</p> <p>15 A. He was fun. He let us talk and monkey around, and</p> <p>16 that's what kids like to do, so.</p> <p>17 Q. When is the first time you met Stacy?</p> <p>18 A. Our first meeting with Ed Olds and Carolyn Russ.</p> <p>19 Q. Okay. You guys never encountered each other.</p> <p>20 A. No.</p> <p>21 Q. I know that you're separated by a number of years,</p> <p>22 so that's not surprising. You didn't know who Stacy was</p> <p>23 until this whole thing came to light, I take it?</p> <p>24 A. Right.</p> <p>25 Q. Did you have any contact with Greg Yarbenet during</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Right.</p> <p>2 Q. -- for help with a paper, or test, or whatever it</p> <p>3 was. And you were standing next to him, side by side?</p> <p>4 A. Yeah.</p> <p>5 Q. And I don't want -- as with Stacy, I don't want to</p> <p>6 have you relive this stuff, I just need some basic</p> <p>7 information. Did he reach down below the level of the desk;</p> <p>8 is that what he did?</p> <p>9 A. Yeah.</p> <p>10 Q. All right. And he touched you on your thigh?</p> <p>11 A. Right.</p> <p>12 Q. Your inner thigh?</p> <p>13 A. Yes.</p> <p>14 Q. The fact that his hand was below the level of the</p> <p>15 desk, could you tell whether people in the classroom could</p> <p>16 see what he was doing?</p> <p>17 A. No. The science desks are high. They're like lab</p> <p>18 desks.</p> <p>19 Q. Oh, right, yeah.</p> <p>20 A. So you stand up, and they're --</p> <p>21 Q. And how long did that go on?</p> <p>22 A. That one incident?</p> <p>23 Q. Um-hum.</p> <p>24 A. A couple minutes, probably.</p> <p>25 Q. And what was Yarbenet doing besides touching your</p>

5 (Pages 14 to 17)

Page 18

1 thigh? Was he just talking like the teacher?
 2 A. He was explaining the worksheet.
 3 Q. What's the next thing you remember?
 4 A. I remember getting to school early, and I remember
 5 being in the classroom with him alone. And we were sitting
 6 in the back of his room by his computer. And he was
 7 touching me.
 8 Q. Where did he touch you?
 9 A. Mostly on the thighs and the buttocks.
 10 Q. Was there anyone else in the classroom at the
 11 time?
 12 A. No.
 13 Q. Did anyone walk in while you were -- while he was
 14 touching you, on that occasion?
 15 A. I think that was -- I think Mrs. Kwiatkowski
 16 walked in and turned on the lights.
 17 Q. Do you think that or do you remember that?
 18 A. I'm pretty sure. I know she did it before, she
 19 came in and turned on the lights when something was
 20 occurring.
 21 Q. Okay. And when she came in, did you say anything
 22 to her?
 23 A. No. I just kind of gave her a look. And she
 24 asked Mr. Yarbenet what he was doing, why the lights were
 25 off.

Page 19

1 Q. And what did Yarbenet say?
 2 A. He said that we were discussing something, and the
 3 lights were off because it hurt his eyes.
 4 Q. Okay. Do you remember saying anything at all?
 5 A. I didn't.
 6 Q. What's the next thing you remember? And by the
 7 way, the situation where you're standing next to his desk
 8 and he touched you, do you remember when that took place?
 9 A. That was my second year of sixth grade, I know
 10 that.
 11 Q. And do you remember, was it the first half of the
 12 year, the second half of the year?
 13 A. I think it was closer to the first half.
 14 Q. When you say closer to the first half, you seem to
 15 be indicating -- I'm interpreting that to mean it was later
 16 during the first half of the year.
 17 A. Right.
 18 Q. Closer to the holidays, perhaps?
 19 A. Yeah.
 20 Q. All right. Okay. And then the next occurrence
 21 when you were in his classroom and he touched you and you
 22 think Mrs. Kwiatkowski may have come in, do you know when
 23 that occurred?
 24 A. No. It all happened around the same time. Once
 25 it started, it didn't stop, it just kept --

Page 20

1 Q. So it's not going to really do much good to ask
 2 you about each specific incident because --
 3 A. Not really.
 4 Q. Okay. Let me then ask you how the conduct changed
 5 over time, if it did. What you've told me so far is that
 6 Yarbenet was touching you on the thighs, the inner thighs,
 7 while you would be standing close to him. Did he do
 8 anything else as time progressed?
 9 A. He just seemed to get more aggressive and forceful
 10 about it.
 11 Q. And in fairness to you, you also said he touched
 12 you on the buttocks as well.
 13 A. Right.
 14 Q. So it was the same type of conduct; touching you
 15 on the thighs, touching you on the buttocks, but more
 16 aggressively?
 17 A. Right.
 18 Q. I'm sure it would have been a very confusing
 19 situation for you, so I'm not implying anything by asking
 20 the question. But did you say anything to Yarbenet when he
 21 was doing this about what he was doing?
 22 A. No, not verbally. I would back away and stuff,
 23 but.
 24 Q. So you would pull away from him?
 25 A. Right.

Page 21

1 Q. Okay. What would he do?
 2 A. He would just come back.
 3 Q. Did you ever say anything to him about it
 4 specifically?
 5 A. No. I just remember giving him looks, like what
 6 are you doing kind of looks.
 7 Q. Leigh Ann, did you ever report any of Yarbenet's
 8 conduct to anyone at the School District before he was
 9 arrested?
 10 A. No.
 11 Q. Did you ever tell your parents anything about it
 12 or indicate to them that Yarbenet was touching you
 13 inappropriately?
 14 A. No.
 15 Q. Any adults, did you talk to any adults about it?
 16 A. No.
 17 Q. How about fellow students, did you confide in any
 18 friends, or?
 19 A. After he was taken out of the school, I did tell
 20 two of my close friends.
 21 Q. Okay. And who are they?
 22 A. The first person I told was C. [REDACTED] N. [REDACTED]. And
 23 then the second person I told was R. [REDACTED] C. [REDACTED].
 24 Q. Okay. But you didn't feel comfortable telling any
 25 of your friends before the whole thing came out?

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 A. No.</p> <p>2 Q. All right. Let me go back to my questions about</p> <p>3 Yarbenet's conduct. So he touched you on the inner thigh,</p> <p>4 on the buttocks, he became more aggressive in that touching</p> <p>5 over time. Did the conduct change at all after that?</p> <p>6 A. What do you mean by change?</p> <p>7 Q. Did he do anything different? Did he -- I beg</p> <p>8 your pardon, but, I mean, did he touch you on your chest,</p> <p>9 did he kiss you? I need to know whether his conduct became</p> <p>10 more abusive over time.</p> <p>11 A. It became more frequent. It became more intimate,</p> <p>12 more sexual than it already was.</p> <p>13 Q. Could you tell me what you mean by that. The more</p> <p>14 frequent I understand, more often. But when you say more</p> <p>15 intimate, I'm not sure I understand.</p> <p>16 A. He started to tell me that he loved me. And he</p> <p>17 started acting more like it was a boyfriend/girlfriend</p> <p>18 relationship rather than what it was before, I guess.</p> <p>19 Q. Okay. At some point you and he began to exchange</p> <p>20 notes or cards?</p> <p>21 A. Right.</p> <p>22 Q. When did that first occur?</p> <p>23 A. That was -- that's where everything really pretty</p> <p>24 much started off, the notes and stuff.</p> <p>25 Q. That actually came before his touching you?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. That's all right.</p> <p>2 Q. All right. So the conduct became more intimate in</p> <p>3 the sense that he would -- in addition to touching you, he</p> <p>4 would say he loved you and say things to you like a</p> <p>5 boyfriend would say to a girlfriend?</p> <p>6 A. Right.</p> <p>7 Q. Was there any change in the physical contact? Did</p> <p>8 he kiss you?</p> <p>9 A. Twice.</p> <p>10 Q. When did he kiss you?</p> <p>11 A. The one time that Mrs. Kwiatkowski described in</p> <p>12 the hallway. And then another time, I was taking a walk.</p> <p>13 And he was driving around my neighborhood or something, and</p> <p>14 we met up. And he just came over and kissed me on the</p> <p>15 forehead.</p> <p>16 Q. Okay. Did he ever kiss you on the lips?</p> <p>17 A. No.</p> <p>18 Q. The time that he kissed you on the forehead in</p> <p>19 your neighborhood, when did that happen?</p> <p>20 A. I can't -- I think it was -- it was nice out. It</p> <p>21 was almost summertime, because he was flying his --</p> <p>22 Q. Ultralight or powered parachute?</p> <p>23 A. Right.</p> <p>24 Q. Was that during your second sixth grade year or</p> <p>25 your seventh grade year?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Right.</p> <p>2 Q. All right. Did you have pet names or pseudonyms</p> <p>3 that you used rather than your own names?</p> <p>4 A. One of my nicknames in school was Anna.</p> <p>5 Q. Anna.</p> <p>6 A. That was from a friend. Then he called me Anna.</p> <p>7 Q. Based on Leigh Ann, Anna, is that where it came</p> <p>8 from?</p> <p>9 A. Right.</p> <p>10 Q. Okay. And what about Yarbenet? Was there a name</p> <p>11 other than Mr. Yarbenet, Yarb, Greg, that you ever used in</p> <p>12 your notes?</p> <p>13 A. My friend, they made up this name. It was Bobby.</p> <p>14 Q. Where did that come from?</p> <p>15 A. It stood for something. Something about big</p> <p>16 brother. I can't remember everything.</p> <p>17 Q. In the notes that you would exchange with</p> <p>18 Yarbenet, would he refer to you as Anna and you would refer</p> <p>19 to him as Bobby?</p> <p>20 A. Yeah, most of the time.</p> <p>21 Q. And the exchange of notes, how long did that</p> <p>22 continue? Was that throughout the time that you were in</p> <p>23 high school until Yarbenet was taken away?</p> <p>24 A. In middle school, yeah.</p> <p>25 Q. Middle school. I keep doing that, I apologize.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. It could be between my sixth and seventh grade</p> <p>2 year, but I'm not 100 percent sure.</p> <p>3 Q. Was it during the school year or was it on summer</p> <p>4 break?</p> <p>5 A. I think it was the end of the school year.</p> <p>6 Q. And what was he doing in your neighborhood, just</p> <p>7 driving through?</p> <p>8 A. I think so.</p> <p>9 Q. Okay. I mean, he wasn't with -- on his powered --</p> <p>10 that was the same time you had seen him flying around on his</p> <p>11 powered parachute.</p> <p>12 A. Right.</p> <p>13 Q. Same time frame. He didn't fly over and land and</p> <p>14 kiss you, did he?</p> <p>15 A. He flew over our house by our backyard. And I</p> <p>16 didn't know he was going to stop by. And I left for a walk.</p> <p>17 I was going to take a walk down at the beach.</p> <p>18 Q. So he actually was in his powered parachute, he</p> <p>19 landed and stopped by your house?</p> <p>20 A. He landed somewhere, and he put his ultralight --</p> <p>21 he put it on a trailer --</p> <p>22 Q. I see.</p> <p>23 A. -- and he was driving around our neighborhood.</p> <p>24 Q. Okay. And who else was at home when he stopped</p> <p>25 by?</p>

7 (Pages 22 to 25)

24.1a

<p style="text-align: right;">Page 30</p> <p>1 A. I remember it after she said it. Like it was just 2 kind of -- after things happened, I tried to erase it out of 3 my mind. And when people say things, it just kind of 4 refreshes it. 5 Q. The reason I ask is I don't think -- you didn't 6 say anything to the police or the School District personnel 7 about that, did you? 8 A. No. 9 Q. Okay. You had forgotten about that until you 10 heard Mrs. Kwiatkowski talk about it? 11 A. Right. 12 Q. All right. At the time did you think anything of 13 it? The arm on the shoulder and a kiss on the head, did 14 that trouble you at the time? 15 A. It was embarrassing, it was humiliating. 16 Q. I'm trying to understand. When you say it was 17 embarrassing and humiliating, and I'm trying to reconcile 18 the fact that you didn't remember it. You just didn't 19 remember that that occurred? 20 A. It's not that I didn't remember it. It's just I 21 don't remember every specific thing that ever happened. 22 Q. But you say it was embarrassing because he kissed 23 you on top of the head in front of other people. 24 A. And because he was an old man kissing me, and I 25 thought that was creepy, because he wasn't my grandpa.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. 2 A. He wouldn't release right away. 3 Q. So he would pull you in real tight. 4 A. Right. 5 Q. All right. Okay. Where did that occur? 6 A. Everywhere. Hallways, in his classroom, in the TV 7 studio. 8 Q. And who witnessed those hugs? 9 A. Random kids in school. 10 Q. Anyone in particular you can recall? 11 A. People that I hung out with in the hall before 12 school started. Some of my girlfriends were there. 13 Q. Do you remember who their names were? 14 A. I remember R [REDACTED] C [REDACTED] 15 Q. R [REDACTED] C [REDACTED]? 16 A. Yes. 17 Q. Anyone else? 18 A. R [REDACTED] B [REDACTED] 19 Q. Anyone else who witnessed those? 20 A. Maybe C [REDACTED] H [REDACTED] She was in the TV studio, 21 so. 22 Q. Anyone else? 23 A. Not really. 24 Q. Any adults who witnessed those hugs, other than 25 Yarbenet himself, of course?</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. I asked you earlier about the touching and the 2 like, whether you had reported that. Did you talk to any 3 adults about his kiss on the top of your head? 4 A. No. 5 Q. Okay. He touched you on the thighs and buttocks, 6 he kissed you on the head twice, once in school and once in 7 your neighborhood. Is there anything else, Leigh Ann, you 8 can remember that he did, physically? Let's just get it out 9 of the way. 10 A. There was just a lot of hugging, really 11 intimate-type hugs. And when he hugged me, he would touch 12 me. 13 Q. When you say hugging, what do you mean? 14 A. Like a hug, like an embrace. 15 Q. Kind of like the hugs with Mrs. Kwiatkowski this 16 afternoon, type hugs? 17 A. No. Hers were more like hello/good-bye hugs. His 18 were intimate hugs that you give your boyfriend or 19 girlfriend. 20 Q. You have to tell me what you mean. He put both 21 arms around you and hugged. 22 A. Right. 23 Q. And then release. Is that -- 24 A. There was more to it than that. He would pull me 25 really tight and he would press his body against mine.</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I don't think so. 2 Q. Any other physical behavior by Yarbenet that was 3 inappropriate? 4 A. Not that I can recall right now. 5 Q. Okay. When did you join the TV studio crew? 6 A. Seventh grade year. 7 Q. And how was it that you came to join the TV 8 studio? 9 A. The end of my sixth grade year, it was one of the 10 last days of school, Mr. Yarbenet gave me an -- I guess an 11 application. And encouraged me to join. 12 Q. Is that something you had to fill out? 13 A. Yeah. 14 Q. And turn in and get approved? 15 A. I guess. He just took it. 16 Q. Do you know who did the approval or made the 17 selection? 18 A. Hum-um. 19 Q. So there was some level of competition to be on 20 the TV studio crew? 21 A. Probably. I know a lot of girls wanted to do it. 22 A lot of my girlfriends wanted to do it. 23 Q. Did some apply and not make it? 24 A. Right. 25 Q. Did you see Yarbenet touch any other girls in a</p>

<p style="text-align: right;">Page 34</p> <p>1 sexual or inappropriate manner?</p> <p>2 A. I always some him hugging girls. He was always</p> <p>3 giving girls hugs, putting his arms around them.</p> <p>4 Q. Other than hugs, anything else that you saw?</p> <p>5 A. No.</p> <p>6 Q. Did any other students tell you that he had</p> <p>7 touched them inappropriately?</p> <p>8 A. No.</p> <p>9 Q. Did Yarbenet ask you to join the TV studio crew or</p> <p>10 encourage you to do so?</p> <p>11 A. He encouraged me.</p> <p>12 Q. How did he encourage you?</p> <p>13 A. Well, he just basically just, there was some</p> <p>14 openings next fall for the TV studio, and I think you should</p> <p>15 join, you would be really good at it. Stuff like that.</p> <p>16 Q. After you joined this TV studio, did Yarbenet</p> <p>17 touch you inappropriately in the studio room itself?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Was his conduct any different than what</p> <p>20 you've told me so far?</p> <p>21 A. Not really.</p> <p>22 Q. Okay. Would you be alone with him at that time?</p> <p>23 A. Sometimes, yeah. Sometimes we would go up early</p> <p>24 and get everything set up.</p> <p>25 Q. Okay. And he would just reach over and touch you?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Okay. Were your parents there?</p> <p>2 A. Yes.</p> <p>3 Q. Were any of your siblings there?</p> <p>4 A. Yes.</p> <p>5 Q. Were all of your sisters there?</p> <p>6 A. Probably.</p> <p>7 Q. Okay. I think this was implicit in your answer,</p> <p>8 but I take it you have no brothers?</p> <p>9 A. Right.</p> <p>10 Q. And how long did the Yarbenets stay?</p> <p>11 A. I'm not even sure.</p> <p>12 Q. Okay. So it would essentially have been your</p> <p>13 entire family and Yarbenet's entire family.</p> <p>14 A. I know it was Yarbenet and his son. I'm not 100</p> <p>15 percent sure about his wife being there, but I think she</p> <p>16 was.</p> <p>17 Q. Tell me what happened. You went swimming at some</p> <p>18 point?</p> <p>19 A. Right.</p> <p>20 Q. And who went swimming?</p> <p>21 A. I went, and Mr. Yarbenet and S and I think</p> <p>22 J and R my sisters. Maybe A. And then a</p> <p>23 couple other kids that have cottages down there too.</p> <p>24 Q. Okay. And where was Mrs. Yarbenet at the time?</p> <p>25 A. On the beach, I think.</p>
<p style="text-align: right;">Page 35</p> <p>1 A. He would just come behind me, and come up from</p> <p>2 behind me and touch me.</p> <p>3 Q. Was there some incident that took place at the</p> <p>4 beach with Yarbenet?</p> <p>5 A. Yeah.</p> <p>6 Q. Do you remember when that occurred?</p> <p>7 A. Summer between sixth and seventh grade year. Him</p> <p>8 and his wife and his son stopped down. And we ended up</p> <p>9 going swimming.</p> <p>10 Q. Which beach was this, Leigh Ann?</p> <p>11 A. At my cottage.</p> <p>12 Q. Your parents have a cottage on the beach</p> <p>13 in Girard?</p> <p>14 A. My grandparents have a cottage. It's in</p> <p>15 Springfield.</p> <p>16 Q. Did the Yarbenets stop down spontaneously, were</p> <p>17 they invited?</p> <p>18 A. No, they weren't invited. They just spontaneously</p> <p>19 stopped by.</p> <p>20 Q. Okay. Do you know whether they were coming down</p> <p>21 specifically to see you or your family, or they just</p> <p>22 happened to be coming to a beach?</p> <p>23 A. It's private property, so they had to come see --</p> <p>24 Q. They were definitely coming to see you.</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Assuming she was there.</p> <p>2 A. I think she was there talking to my parents.</p> <p>3 Q. Okay. And so your parents would have been on the</p> <p>4 beach. You believe Mrs. Yarbenet was on the beach. And</p> <p>5 tell me what happened. What did Yarbenet do?</p> <p>6 A. We were all swimming. And S and my sisters got</p> <p>7 an inner tube out. And they were playing on the inner tube.</p> <p>8 And Mr. Yarbenet got me away from the crowd. And he pulled</p> <p>9 at my bathing suit bottom.</p> <p>10 Q. He grabbed some part of your bathing suit bottoms?</p> <p>11 Was it -- you gave testimony in an earlier dismissal</p> <p>12 proceeding, and --</p> <p>13 A. Right.</p> <p>14 Q. -- I understand he pulled away on your -- the</p> <p>15 waistband of your bathing suit, he pulled it out?</p> <p>16 A. Right.</p> <p>17 Q. Do you know if anyone saw that? I mean,</p> <p>18 obviously --</p> <p>19 A. No.</p> <p>20 Q. -- it's below the water.</p> <p>21 A. I don't think anybody saw it.</p> <p>22 Q. I take it you didn't mention any of these things</p> <p>23 to your sisters.</p> <p>24 A. Right.</p> <p>25 Q. Okay. What did you do after he pulled out the</p>

10 (Pages 34 to 37)

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<p style="text-align: right;">Page 38</p> <p>1 waistband of your bathing suit bottoms?</p> <p>2 A. I tried to swim away.</p> <p>3 Q. What did he do?</p> <p>4 A. He just grabbed my leg or something and pulled me</p> <p>5 back.</p> <p>6 Q. After that, did you go back to the beach?</p> <p>7 A. Yeah.</p> <p>8 Q. And how long did the Yarbenets stay after that?</p> <p>9 A. Not very much longer.</p> <p>10 Q. Did he touch you anywhere else other than grabbing</p> <p>11 at your bathing suit bottom on this -- that occasion when</p> <p>12 you were at the beach?</p> <p>13 A. Did he touch me anywhere else at the beach?</p> <p>14 Q. Um-hum.</p> <p>15 A. I'm sure he has. I can't remember a specific</p> <p>16 instance.</p> <p>17 Q. Well, let me focus solely on the occasion where he</p> <p>18 grabbed at your bathing suit. On that date, did he touch</p> <p>19 any other part of your body?</p> <p>20 A. He touched my thighs and my buttocks a lot. I</p> <p>21 guess he was like pretending to tickle me or something, and</p> <p>22 he just started tickling me in the wrong areas.</p> <p>23 Q. Okay. And that happened down at the beach that</p> <p>24 day?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Other than Yarbenet's conduct as you've described</p> <p>2 it in the classroom and the TV studio and at the beach near</p> <p>3 your grandparents' cottage, did he do anything inappropriate</p> <p>4 to you at any other locations?</p> <p>5 A. We went to -- I think it was Channel 12 News or</p> <p>6 Channel 35 News. We went to the news station. And we were</p> <p>7 waiting in the lobby, and he was touching me.</p> <p>8 Q. In the lobby?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Were you alone or was there anyone around?</p> <p>11 A. No. He -- there was only like a couch and a</p> <p>12 couple chairs there. And the other members of the TV studio</p> <p>13 were sitting down. He had me sit on his lap, and he was</p> <p>14 just touching me where people couldn't see.</p> <p>15 Q. I know it was Channel 12, WICU, I believe, when</p> <p>16 there was a -- when Stacy had her field trip. This was a</p> <p>17 different trip, I take it?</p> <p>18 A. Yeah.</p> <p>19 Q. And if you don't remember, that's okay. I just</p> <p>20 want to see if it refreshes your recollection. Do you think</p> <p>21 it was Channel 12, WICU?</p> <p>22 A. I do think it was Channel 12.</p> <p>23 Q. That's the one on upper State Street as opposed to</p> <p>24 down here -- we're not in Erie, but the one closer to where</p> <p>25 my office is --</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Was Yarbenet ever at the beach with your family on</p> <p>2 any other occasions?</p> <p>3 A. Yeah.</p> <p>4 Q. How often was that?</p> <p>5 A. I remember one time in, before the cottages were</p> <p>6 open, I think it was April, it was really nice outside. And</p> <p>7 after school Mr. Yarbenet, Mrs. Yarbenet, and S and a</p> <p>8 couple friends from school, and my mom, we all went down to</p> <p>9 the beach. And we were walking and skipping rocks.</p> <p>10 Q. Okay. Any other occasions you were down there</p> <p>11 together?</p> <p>12 A. Yeah. He stopped by really early one morning</p> <p>13 after I spent the night there with my grandparents.</p> <p>14 Q. Yarbenet stopped down to visit early one morning?</p> <p>15 A. Yeah.</p> <p>16 Q. Your grandparents were there?</p> <p>17 A. He woke up my grandma.</p> <p>18 Q. Okay. What did she say?</p> <p>19 A. She said, what are you doing here. I was still</p> <p>20 asleep. And he wanted to visit. And he said he would come</p> <p>21 back later. And he came back a couple hours later.</p> <p>22 Q. Were your folks home then at the cottage as well?</p> <p>23 A. No. My grandparents own the cottage, so they</p> <p>24 normally stay there. But us girls stay down there a lot in</p> <p>25 the summer.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Right.</p> <p>2 Q. -- off of Peach Street.</p> <p>3 A. Right.</p> <p>4 Q. Okay. So it was Channel 12?</p> <p>5 A. Pretty sure, yeah.</p> <p>6 Q. And while you were at the studio, Yarbenet had you</p> <p>7 sit on his lap?</p> <p>8 A. Um-hum.</p> <p>9 Q. Okay. And he touched you inappropriately at that</p> <p>10 time as well?</p> <p>11 A. Right.</p> <p>12 Q. Other than the students who were there, do you</p> <p>13 know if any adults saw that?</p> <p>14 A. I don't think so. There was a receptionist at the</p> <p>15 desk, but I don't think she saw.</p> <p>16 Q. If she saw anything, she didn't say anything?</p> <p>17 A. Right.</p> <p>18 Q. Okay. Anyplace else that Yarbenet did anything</p> <p>19 inappropriate to you?</p> <p>20 A. Not that I can recall right now.</p> <p>21 (Discussion held off the record.)</p> <p>22 MR. LANZILLO: Given the length of the day, we've</p> <p>23 elected to adjourn deposition for right now and</p> <p>24 finish up Leigh Ann's deposition. What we can try</p> <p>25 to do is tie it in possibly with another</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S; and JOHN and
MARY ELLEN S., on behalf
of their daughter, LEIGH
ANN S., a minor,
Plaintiffs

vs.

Civil Action No. 04-150E

GIRARD SCHOOL DISTRICT;
ROBERT SNYDER,
Individually and in his
capacity as Principal of
the Rice Avenue Middle
School; and GREGORY
YARBENET, a professional
employee of the Girard
School District,
Defendants

HONORABLE SEAN J. MCLAUGHLIN

Jury Trial Demanded

VOLUME II

Deposition of LEIGH ANN S. [REDACTED], taken before and
by Carol A. Holdnack, RPR, Notary Public in and for
the Commonwealth of Pennsylvania, on Monday,
June 13, 2005, commencing at 9:43 a.m., at the
Crawford County Courthouse, Meadville, PA.

For the Plaintiffs:

Edward A. Olds, Esquire
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Pittsburgh, PA 15223

For the Defendants Girard School District and Robert Snyder:

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Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501

Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

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1 A. Not really, no.

2 Q. Did he reach up -- reach up your shirt?

3 A. Not up. I mean, he barely went up, but he was on

4 my skin.

5 Q. So you think it was his thumbs underneath your

6 shirt.

7 A. Right.

8 Q. Do you recall what year that occurred?

9 A. No.

10 Q. Whether it was your second sixth grade year or

11 your seventh grade year?

12 A. I really don't know.

13 Q. Don't recall, okay. Other than that occasion, did

14 he ever touch you beneath your clothing?

15 A. No.

16 Q. Did Greg Yarbenet ever touch you on your genital

17 area?

18 A. Outside of my clothing, yes.

19 Q. Okay. When did that occur?

20 A. It occurred plenty of times. I can't really say

21 one specific time it happened.

22 Q. Okay. And I apologize for the indelicate nature

23 of the questions, but I need to understand the conduct. By

24 your genital area, he touched you directly between your

25 legs?

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1 A. Right.

2 Q. Okay. As opposed to on your thighs?

3 A. Right.

4 Q. Leigh Ann, do you recall being asked about that

5 during Mr. Yarbenet's dismissal hearing, whether he had

6 touched you on your genital area?

7 A. Yes.

8 Q. Do you remember what you said then?

9 A. I probably said no.

10 Q. Okay. Why has your testimony changed?

11 A. I guess for a couple reasons. I think that it's

12 time that everything came out. And at that hearing I was so

13 scared, I just wanted to get it over with. And I basically

14 just said the minimum.

15 Q. Do you recall meeting with another lawyer --

16 actually, a lawyer from my office, a fellow named Richard

17 Perhaps, before that hearing?

18 A. Yes.

19 Q. Okay. He encouraged you to tell everything, did

20 he not?

21 A. Right.

22 Q. Okay. No one encouraged you to hold back

23 anything, did they?

24 A. No.

25 Q. All right. In fact, once you disclosed

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1 Mr. Yarbenet's wrongdoing, all of the representatives from

2 the School District, including Rich Perhaps, who was acting

3 as their labor counsel, they all encouraged you to tell

4 everything that you knew about Mr. Yarbenet; is that right?

5 A. Yes.

6 Q. Okay. Can you remember approximately how many

7 times Mr. Yarbenet touched you on your genital area?

8 A. I could say it was less than as many times that he

9 touched me between my legs, like my thighs. But quite a

10 few. I couldn't put a number to it.

11 Q. When did that first occur, his touching you on

12 your genital area?

13 A. Near the end of my sixth grade year, second sixth

14 grade year.

15 Q. Where were you when he did that?

16 A. In his classroom.

17 Q. Okay. And where was he -- I understand you were

18 both in the classroom, but where was he specifically within

19 the classroom when he touched you?

20 A. In the back behind his computer desk.

21 Q. Were there any other students in the classroom at

22 the time?

23 A. No.

24 Q. What time of day was it when he -- when this

25 occurred?

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1 A. It was in the morning before homeroom started.

2 Q. Was anyone else in the room at the time?

3 A. No.

4 Q. And did you have Mr. Yarbenet for homeroom at that

5 time?

6 A. I had him --

7 Q. This is your second sixth grade year, right?

8 A. The year I was in the TV studio. I think it was

9 my second sixth grade year. That's when I had him for

10 homeroom.

11 Q. Were you in early that morning?

12 A. Yeah.

13 MR. OLDS: Object to the question. She testified

14 that it happened more than once. So by saying

15 morning, you're implying that it only happened

16 once.

17 MR. LANZILLO: I'm just asking Leigh Ann about

18 this first occasion when it occurred.

19 MR. OLDS: Okay.

20 Q. Do you recall how it was that you were in early to

21 school that day?

22 A. I'm sure it was Mrs. Werling bringing me to school

23 in the morning.

24 Q. Did Mrs. Werling drive you to school during your

25 second sixth grade year on a regular basis?

3 (Pages 48 to 51)

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<p style="text-align: right;">Page 52</p> <p>1 A. Well, I was mostly the late one most of the time.</p> <p>2 Q. Okay. When you say you were mostly the late one,</p> <p>3 what do you mean?</p> <p>4 A. It takes me -- I think I'm the slowest in the</p> <p>5 morning, most of the time, in the bathroom, so.</p> <p>6 Q. Among your siblings -- you have four sisters,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. All right. So you were typically the one who</p> <p>10 would lag behind a little bit.</p> <p>11 A. Right.</p> <p>12 Q. All right. And because of that, would you grab a</p> <p>13 ride with Mrs. Werling?</p> <p>14 A. Well, she would leave early, so she had to leave,</p> <p>15 I think, by 7:00, 7:05. And sometimes I wouldn't be ready,</p> <p>16 so I would either catch the bus or go with my mom.</p> <p>17 Q. I see. On this particular occasion where</p> <p>18 Mr. Yarbenet first touched you on your genital area, though,</p> <p>19 you had ridden in with Mrs. Werling?</p> <p>20 A. Right.</p> <p>21 Q. Okay. Tell me what happened. You arrive at</p> <p>22 Mr. Yarbenet's homeroom. Was he already there?</p> <p>23 A. Yes.</p> <p>24 Q. All right. Then tell me what happened at that</p> <p>25 point.</p>	<p style="text-align: right;">Page 54</p> <p>1 boyfriend like, I guess you could say. You know, I missed</p> <p>2 you last night or I wish you would have called or something,</p> <p>3 and trying to be kind of like a boyfriend. And then he</p> <p>4 would start touching me.</p> <p>5 Q. Do you recall what he said on this particular</p> <p>6 occasion?</p> <p>7 A. Not really.</p> <p>8 Q. Okay. Did he touch you abruptly? Did he touch</p> <p>9 you someplace else and then move his hands around? Can you</p> <p>10 tell me anything as far as how this developed? And, again,</p> <p>11 I'm just talking about the first occasion where he touched</p> <p>12 you on your genital area.</p> <p>13 A. He was always just really touchy-feely. He</p> <p>14 would -- maybe he would start -- you know, he would put my</p> <p>15 hair behind my ear, touch my face. And then he would start</p> <p>16 from my knees even, and just kind of rub his hands around</p> <p>17 and start going up.</p> <p>18 Q. Okay. Are you giving me a summary of his behavior</p> <p>19 over a number of occasions or do you actually remember this</p> <p>20 from the first time that he touched you on your genital --</p> <p>21 A. Well, it was pretty much the first time, but it</p> <p>22 was -- I mean, that's pretty much how he always did it when</p> <p>23 he did it.</p> <p>24 Q. So he might touch you on your knee. And then what</p> <p>25 would he do?</p>
<p style="text-align: right;">Page 53</p> <p>1 A. It was just really casual. I mean, I would walk</p> <p>2 in there, and Mrs. Werling would leave, and the door would</p> <p>3 be closed and the lights would be out. And he would</p> <p>4 normally be on his computer doing something on the Internet,</p> <p>5 whatever. And he would just casually start touching me.</p> <p>6 There's no other way to put it, really.</p> <p>7 Q. This occurred at his computer desk?</p> <p>8 A. Correct.</p> <p>9 Q. And that's different from his regular teacher's</p> <p>10 desk at the front of the classroom?</p> <p>11 A. Right. This is in the back of the classroom.</p> <p>12 Q. Do you remember why you had approached him at his</p> <p>13 computer desk?</p> <p>14 A. Well, we were just -- we would just talk. I would</p> <p>15 talk to him from the door, and he would be all the way</p> <p>16 back -- at the desk. He would invite me to sit down or</p> <p>17 something.</p> <p>18 Q. On this particular occasion, you walked up to</p> <p>19 him. Was he seated?</p> <p>20 A. Yes.</p> <p>21 Q. And tell me in as much detail as you can what he</p> <p>22 said and exactly what he did, Leigh Ann.</p> <p>23 A. I don't really know how to answer that. It was</p> <p>24 kind of different almost every time. We would just be</p> <p>25 talking about something, and then he would get real</p>	<p style="text-align: right;">Page 55</p> <p>1 A. He would just work his way up.</p> <p>2 Q. What did you do when he did that?</p> <p>3 A. I would flinch, or move back, or give him a look.</p> <p>4 Q. Did you back away?</p> <p>5 A. Yeah, the first time I did back away.</p> <p>6 Q. And how long was he able to touch you on your</p> <p>7 genital area that first time?</p> <p>8 A. Well, of course, it seemed like forever, but I</p> <p>9 couldn't really put a time.</p> <p>10 Q. Well, if I understand what you're telling me, he</p> <p>11 touched you on your knee or some other part of your leg.</p> <p>12 And then he moved his hand up, and you flinched or jumped</p> <p>13 back.</p> <p>14 A. Right.</p> <p>15 Q. All right. What did you do at that point once you</p> <p>16 had moved back? Did you walk away from him?</p> <p>17 A. No. I just kind of gave him a look like, what the</p> <p>18 hell are you doing, but.</p> <p>19 Q. Did you say anything to him?</p> <p>20 A. No.</p> <p>21 Q. Well, you've already told me this occurred on</p> <p>22 multiple occasions. Do you remember the next time he did</p> <p>23 this, touched you on your genital area as opposed to your</p> <p>24 thigh or your knee?</p> <p>25 A. I couldn't tell you when. Once it happened, just</p>

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<p style="text-align: right;">Page 56</p> <p>1 kind of kept happening.</p> <p>2 Q. And when he would touch you on your genital area,</p> <p>3 would it always be while he was seated at his computer desk?</p> <p>4 A. That I can recall.</p> <p>5 Q. Okay.</p> <p>6 A. I think there was one time in his car.</p> <p>7 Q. So other than while he was seated at his computer</p> <p>8 desk and one time when you were in his car, you can't recall</p> <p>9 him touching you on your genital area in any other location?</p> <p>10 A. I'm sure it happened, but I really don't feel</p> <p>11 comfortable giving you a place.</p> <p>12 Q. Tell me your best recollection. Can you remember</p> <p>13 it -- that occurring at any other location?</p> <p>14 A. Right now, no, I can't recall.</p> <p>15 Q. Who did you have for homeroom in your seventh</p> <p>16 grade year? I know you had the television studio, correct?</p> <p>17 A. That was seventh grade?</p> <p>18 Q. Was it? I should ask you.</p> <p>19 A. It's all kind of mixed together, really.</p> <p>20 Q. You don't remember?</p> <p>21 A. No.</p> <p>22 Q. Okay. All right. Tell me about the occasion when</p> <p>23 you were in Mr. Yarbenet's car when he touched you on your</p> <p>24 genital area. Where were you? Where were you going?</p> <p>25 A. I think he was taking me home from a party that</p>	<p style="text-align: right;">Page 58</p> <p>1 A. It would be safe to say it happened a couple times</p> <p>2 a month. He normally would have these parties when his wife</p> <p>3 was away, out of town, when she wouldn't be home, so.</p> <p>4 Q. And who would invite you to the parties, S or</p> <p>5 Yarbenet?</p> <p>6 A. Both of them.</p> <p>7 Q. How would you get there?</p> <p>8 A. My parents, one of my parents.</p> <p>9 Q. One of your parents would drive you?</p> <p>10 A. Or he would pick me up. Mostly, my parents would</p> <p>11 take me.</p> <p>12 Q. And these get-togethers at the Yarbenet house, did</p> <p>13 you say they occurred a couple times a month?</p> <p>14 A. Pretty much, yeah.</p> <p>15 Q. And during your second sixth grade year and your</p> <p>16 seventh grade year?</p> <p>17 A. Right.</p> <p>18 Q. Did your parents ever pick you up from those</p> <p>19 parties?</p> <p>20 A. No, because it would normally be late, and, I</p> <p>21 mean, Mr. Yarbenet would always say, don't worry about it,</p> <p>22 I'll take her home.</p> <p>23 Q. On the occasion of one of those parties when</p> <p>24 Yarbenet gave you a ride home, he touched you on your</p> <p>25 genital area?</p>
<p style="text-align: right;">Page 57</p> <p>1 his son had. He would have little get-togethers at his</p> <p>2 house with his son S, and he would take us all. I would</p> <p>3 always be the last one taken home even though it was always</p> <p>4 out of the way. He would always make sure I was last in the</p> <p>5 car.</p> <p>6 Q. Do you recall when that party took place?</p> <p>7 A. No.</p> <p>8 Q. Was it during the school year or during the</p> <p>9 summer?</p> <p>10 A. School year.</p> <p>11 Q. Other than yourself and S, who else was present</p> <p>12 at that party?</p> <p>13 A. It would vary, but the normal crowd would be</p> <p>14 R, B, and sometimes J, P, A, A.</p> <p>15 That's pretty much the crowd.</p> <p>16 Q. Would there be more than the five of you there?</p> <p>17 A. That was pretty much the crowd. But, I mean,</p> <p>18 every once in a while there would be somebody new or</p> <p>19 whatever.</p> <p>20 Q. And how many times did Mr. Yarbenet give you a</p> <p>21 ride home?</p> <p>22 A. Every time.</p> <p>23 Q. And about how many parties of that nature took</p> <p>24 place? I'm trying to understand how many times he gave you</p> <p>25 a ride home.</p>	<p style="text-align: right;">Page 59</p> <p>1 A. Correct.</p> <p>2 Q. Had he already dropped off other students at their</p> <p>3 homes?</p> <p>4 A. Yeah, I was the last one in the car.</p> <p>5 Q. Who had he dropped off prior to that?</p> <p>6 A. I can't say names for certain. Probably one of</p> <p>7 the people that you have on that list, or a couple.</p> <p>8 Q. You don't recall?</p> <p>9 A. Not really.</p> <p>10 Q. Okay. And when did he touch you; when you were in</p> <p>11 front of your house? Tell me what happened.</p> <p>12 A. I'm sure we were driving. We would just be</p> <p>13 driving, and he would --</p> <p>14 Q. Reach over?</p> <p>15 A. Right.</p> <p>16 Q. Tell me what he did, Leigh Ann. I need to</p> <p>17 understand his conduct here.</p> <p>18 A. He would just very casually reach over. And, I</p> <p>19 mean, probably -- I mean, he would just reach over and he</p> <p>20 would start rubbing my legs and move into my genital area.</p> <p>21 There's no other way to put it.</p> <p>22 Q. And what did you do when he did that?</p> <p>23 A. Just kind of tensed up.</p> <p>24 Q. Did you say anything?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 60</p> <p>1 Q. Did you push his hand away?</p> <p>2 A. I just kind of flinched. Tensed up, moved my legs</p> <p>3 over or something. I mean, he was forceful. I mean, you</p> <p>4 really couldn't get away. I was in a car with him.</p> <p>5 Q. Okay. And that happened on one occasion?</p> <p>6 A. That I can remember, yes.</p> <p>7 Q. Did you attend any other parties at the Yarbenet</p> <p>8 house after that occurred?</p> <p>9 A. Yes.</p> <p>10 Q. About how many parties did you attend at the</p> <p>11 Yarbenet house after he had touched you on your genital</p> <p>12 area?</p> <p>13 A. I really can't say.</p> <p>14 Q. Was it a number of parties?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. When you arrived home, did you say anything</p> <p>17 to your parents about Mr. Yarbenet's conduct?</p> <p>18 A. No.</p> <p>19 Q. Prior to the fall of 2002, am I correct, Leigh</p> <p>20 Ann, that you didn't tell anyone about Mr. Yarbenet's</p> <p>21 conduct?</p> <p>22 A. Before I came forward?</p> <p>23 Q. Yes.</p> <p>24 A. I told a friend first. And then I ended up coming</p> <p>25 forward, if that counts.</p>	<p style="text-align: right;">Page 62</p> <p>1 Q. All right. And during that time you very</p> <p>2 generally intimated that Mr. Yarbenet was inappropriate with</p> <p>3 you?</p> <p>4 A. Yeah.</p> <p>5 Q. To C N?</p> <p>6 A. Yes.</p> <p>7 Q. Again, prior to coming forward -- and I believe it</p> <p>8 was the fall of 2002. But whenever it occurred, other than</p> <p>9 your general conversations with C N, did you say</p> <p>10 anything to anyone else?</p> <p>11 A. Before I came forward?</p> <p>12 Q. Yes.</p> <p>13 A. Like the day before. I told R G what</p> <p>14 happened.</p> <p>15 Q. Okay.</p> <p>16 A. And she was the one that told me the next day at</p> <p>17 school, and she walked me out of the nurse's office, and</p> <p>18 that's when we told everybody.</p> <p>19 Q. And before R G, though --</p> <p>20 A. No.</p> <p>21 Q. No? Do you know whether anyone ever observed Greg</p> <p>22 Yarbenet touch you on your genital area or on your thighs?</p> <p>23 A. There were times where he would be touching me in</p> <p>24 his classroom, and Mrs. K. would come in and turn on the</p> <p>25 lights and ask what was going on. So I'm sure she saw</p>
<p style="text-align: right;">Page 61</p> <p>1 Q. Sure. And do you know when you told that friend?</p> <p>2 Was that shortly before you came forward and told adults?</p> <p>3 A. Right.</p> <p>4 Q. All right. Prior to that, Leigh Ann, did you tell</p> <p>5 anyone at all about Mr. Yarbenet's conduct?</p> <p>6 A. Not specifically.</p> <p>7 Q. How about generally?</p> <p>8 A. Generally, kind of.</p> <p>9 Q. Who did you tell generally?</p> <p>10 A. C N.</p> <p>11 Q. G N?</p> <p>12 A. C N.</p> <p>13 Q. She's a friend?</p> <p>14 A. Yeah.</p> <p>15 Q. Classmate?</p> <p>16 A. Yes.</p> <p>17 Q. What did you tell C?</p> <p>18 A. Just that -- I mean, it was the gossip of the</p> <p>19 year, basically, when he was taken out of school. You know,</p> <p>20 and people talked about it all the time. You couldn't get</p> <p>21 rid of it. And it just kind of came up.</p> <p>22 Q. So after Mr. Yarbenet was suspended from school,</p> <p>23 suspended from his employment, there were discussions among</p> <p>24 you and your peers, I take it?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 63</p> <p>1 something. I mean, he was that close to me.</p> <p>2 Q. Now, when you say Mrs. K., you're talking about</p> <p>3 Mrs. Kwiatkowski?</p> <p>4 A. Right.</p> <p>5 Q. How long have you known Mrs. Kwiatkowski?</p> <p>6 A. Since I've gone to Rice Avenue.</p> <p>7 Q. Did she go to your church?</p> <p>8 A. Yes.</p> <p>9 Q. Do you ever see her in church?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you know her in church before you saw her at</p> <p>12 Rice Avenue Middle School?</p> <p>13 A. No, I didn't.</p> <p>14 Q. Did Mrs. Kwiatkowski ever ask you whether</p> <p>15 Mr. Yarbenet had touched you or done anything inappropriate?</p> <p>16 A. No.</p> <p>17 Q. Did you ever see Mrs. Kwiatkowski in church?</p> <p>18 A. Like during?</p> <p>19 Q. During the time you were a student at Rice Avenue.</p> <p>20 A. Not really. Occasionally, like she would go to</p> <p>21 Saturday night mass and I would go to Sunday morning</p> <p>22 normally, so I really didn't see her that much in church.</p> <p>23 But sometimes I would go to Saturday night mass and see her,</p> <p>24 so I really didn't see her that much in church.</p> <p>25 Q. Prior to your coming forward, did you ever have</p>

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<p style="text-align: right;">Page 64</p> <p>1 any conversations with Mrs. Kwiatkowski for any reason at 2 all?</p> <p>3 A. About?</p> <p>4 Q. Anything. Did you ever talk to Mrs. Kwiatkowski?</p> <p>5 A. We would have friendly conversations every once in 6 a while, but not really.</p> <p>7 Q. When you say friendly conversations, what do you 8 mean?</p> <p>9 A. Hi, how are you, how is school going. Stuff like 10 that.</p> <p>11 Q. When she would ask you how school was going, what 12 would you tell her?</p> <p>13 A. Just kind of -- fine, whatever, kind of thing.</p> <p>14 Q. And those friendly conversations, did they ever 15 take place outside of school, at church, or?</p> <p>16 A. No, I really don't think so.</p> <p>17 Q. You're sure Mrs. Kwiatkowski saw Yarbenet touching 18 you in the classroom. Did she ever tell you that?</p> <p>19 A. I know after he -- after he was taken out of 20 school once, she told me how sorry she was that it happened 21 to me, and that she was sorry that she didn't push harder to 22 make it stop.</p> <p>23 Q. Did she ever tell you that she saw Mr. Yarbenet 24 actually touching you on your legs or on your genital area?</p> <p>25 A. She never would specifically say, I saw him</p>	<p style="text-align: right;">Page 66</p> <p>1 A. Not that I can remember. Sometimes he would come 2 up to me and give me a big hug or something. And he was 3 always touching me. And you need to understand that. It 4 was all the time. That's why I can't put numbers, because 5 it happened all the time.</p> <p>6 Q. I'm just focusing in now on the times that 7 Mrs. Kwiatkowski walked in. Okay? Did she ever walk in 8 when he was touching you while he was seated at his main 9 teacher's desk in the front of the classroom?</p> <p>10 A. Probably. She would come in about every morning 11 and flick the lights -- she would come in and flick the 12 lights on all the time. I mean, it didn't matter where we 13 were. She knew that things were going on. So she would 14 come in and check in.</p> <p>15 Q. Try to focus on my question, Leigh Ann.</p> <p>16 A. I am.</p> <p>17 Q. Okay. Do you remember Mrs. Kwiatkowski ever 18 walking in when you were standing next to Mr. Yarbenet's 19 main teacher's desk in the front of the classroom while he 20 was touching you and where Mrs. Kwiatkowski entered the room 21 and turned on the lights; do you remember that?</p> <p>22 A. I can't recall a specific occasion, but I'm sure 23 it did happen.</p> <p>24 Q. When Mr. Yarbenet was seated at his computer desk 25 and you were standing next to him and he touched you, on</p>
<p style="text-align: right;">Page 65</p> <p>1 touching you and I'm sorry. She would just say that, I'm 2 sorry that this happened, and I should have pushed harder to 3 the administration.</p> <p>4 Q. And on how many occasions did Mrs. Kwiatkowski 5 enter the classroom when you were standing close to 6 Mr. Yarbenet who was touching you?</p> <p>7 A. A lot of times. She would come in the morning, 8 because she had that floor for monitoring, so she would come 9 in and put the lights on.</p> <p>10 Q. When you say a lot of times, more than three, more 11 than ten?</p> <p>12 A. Yeah, more than ten. I can't really put a number 13 to it. I mean, it was over sixth and seventh grade year, 14 and I really can't put a number to that.</p> <p>15 Q. So how often would you go to stand next to 16 Mr. Yarbenet's desk in the morning before classes started?</p> <p>17 A. He wouldn't always just be at his computer desk. 18 Sometimes he would be writing stuff on the chalkboard, 19 sometimes he would be sitting at his front desk. I mean, I 20 would come over and sit and talk, and.</p> <p>21 Q. Well, for him to touch you, you had to be in 22 pretty close proximity to him, right?</p> <p>23 A. Right.</p> <p>24 Q. And did he touch you while he was writing at his 25 chalkboard?</p>	<p style="text-align: right;">Page 67</p> <p>1 approximately how many occasions did Mrs. Kwiatkowski come 2 in and turn on the lights when you were in that position?</p> <p>3 A. I can't give you a number because it happened so 4 many times.</p> <p>5 Q. When you say it happened so many times, are you 6 telling me dozens of times?</p> <p>7 A. Dozens. We would be in -- I mean, we would -- in 8 his classroom, we would be sitting somewhere, we would be 9 doing something, and he would be touching me. He was always 10 touching me. And she was my relief for a little bit because 11 she would come in and turn on the lights.</p> <p>12 Q. How often did she enter the room to turn on the 13 lights?</p> <p>14 A. I can't give you -- a lot.</p> <p>15 Q. Every day?</p> <p>16 A. When I was in there, pretty much. I wasn't in 17 there every single morning. Early.</p> <p>18 Q. I'm trying to understand what you're telling me, 19 Leigh Ann. Are you telling me that every day that you were 20 in the classroom with Yarbenet, you would be standing next 21 to him, in some location, and Mrs. Kwiatkowski would enter 22 and turn on the lights while he was touching you?</p> <p>23 A. I can't say every single time.</p> <p>24 Q. More often than not?</p> <p>25 A. Right.</p>

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1 A. It's safe to say yeah, because he was gone after
2 my seventh grade year. Before that, I don't think he was
3 really -- was that involved yet, so.
4 Q. So it was that summer, primarily?
5 A. Pretty much that summer.
6 Q. Did he ever visit your actual house, your home?
7 A. Yes.
8 Q. About how many occasions did that occur?
9 A. A lot. He would stop over a lot. He would fly
10 his little thing, whatever it was. And he would go land
11 somewhere. And then he would be at my house after he
12 landed.
13 Q. His powered parachute?
14 A. Yeah.
15 Q. Now, you got a ride on that on at least one
16 occasion, right?
17 A. Just once, yes.
18 Q. Okay. Did anything happen while you were riding
19 the powered parachute?
20 A. Yes.
21 Q. What happened?
22 A. We were riding, and everything was going okay.
23 And then he leaned his head back into my -- between my legs.
24 That's the way you sit; passenger is up above the --
25 Q. I see. So he would be seated in front of you?

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1 A. Right. And I would be like straddling him, behind
2 him.
3 Q. And was that also during the summer between your
4 sixth and seventh grade year?
5 A. Yeah, I think so. It's hard to put a time frame
6 on it.
7 Q. If you don't remember, you can just tell me you
8 don't remember.
9 A. It most likely was, but I'm not comfortable saying
10 exactly when.
11 Q. It was during a summer, though, you do remember
12 that.
13 A. Right, it was summertime.
14 Q. Do you have some property around your house
15 that -- was he able to land this thing in your -- on your
16 property?
17 A. He never landed on our property, no.
18 Q. He would land somewhere close by and then walk
19 over?
20 A. No, it wasn't even close by. He would park his --
21 he would take off from a field that was a few miles away, a
22 couple miles away from my house. And then he would -- when
23 he landed, he would land back there, and he would hitch it
24 on the back of his car and then drive down to my house.
25 Q. When he gave you the ride, where did you take off

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1 from?
2 A. We actually went to -- I think it was called
3 Mooreheadville. We drove there with another girl.
4 Q. Who was the other girl?
5 A. [REDACTED] A [REDACTED] I don't remember how to say her last
6 name. A [REDACTED]
7 Q. A [REDACTED]?
8 A. Something like that. She was older.
9 Q. Was anyone else there when you got the ride on the
10 powered parachute?
11 A. No.
12 Q. Did your parents know you were going for a ride on
13 the powered parachute?
14 A. Yes.
15 Q. Did Yarbenet ask permission to give you a ride?
16 A. Yes.
17 Q. And who gave permission?
18 A. My dad, I believe.
19 Q. Did he or anyone else from your family go to
20 watch?
21 A. No. I think the rest of my family was at the
22 cottage, and I was home.
23 Q. And how did you get permission then?
24 A. My dad -- my dad was home. It was after work.
25 Q. Okay.

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1 A. And he stopped home. It was probably around 3:30
2 or something when he gets home from work. And I think I was
3 talking online to him, actually, or I got an e-mail from
4 him, or something. And he asked if I wanted to go and get a
5 ride and stuff.
6 Q. You asked your dad, and your dad said okay?
7 A. He came over and asked my dad. And my dad said it
8 was fine.
9 Q. He leaned his head back into your lap during that
10 ride on the powered parachute?
11 A. Yes.
12 Q. And how long did he rest his head there?
13 A. A while.
14 Q. What did you do?
15 A. There wasn't much I could do. I mean, I tried to
16 put my legs together a little bit, but.
17 Q. Yeah, I guess you couldn't walk away.
18 A. Couldn't walk away.
19 Q. All right. On approximately how many other
20 occasions was Yarbenet at your home?
21 A. I can't put a number to that. He would stop by a
22 lot.
23 Q. A lot. Was it mostly in the summers? I should
24 say in the summer. We've only talked about one summer.
25 A. When the weather was nice. I mean, he would be

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<p style="text-align: right;">Page 84</p> <p>1 flying when it was nice outside, so it wasn't in the winter.</p> <p>2 Q. When he would visit your home, would he come</p> <p>3 inside?</p> <p>4 A. Not usually.</p> <p>5 Q. Sometimes?</p> <p>6 A. I think he's been in my house, I'm sure. But, no,</p> <p>7 we normally would be on the back deck or out on the front</p> <p>8 porch or something.</p> <p>9 Q. Did you ever come home from being somewhere else</p> <p>10 and find Yarbenet already there?</p> <p>11 A. Not that I can recall.</p> <p>12 Q. On those occasions when he did stop by, would at</p> <p>13 least one of your parents typically be home?</p> <p>14 A. Yeah, usually. I think probably a couple times</p> <p>15 there would be my sisters and I. And my parents work, so.</p> <p>16 Q. But most of the time at least one parent would be</p> <p>17 there?</p> <p>18 A. Right.</p> <p>19 Q. I've heard Yarbenet characterized by a number of</p> <p>20 people as a hugger, someone who hugs a lot.</p> <p>21 A. Right.</p> <p>22 Q. Would you agree with that characterization?</p> <p>23 A. Yes.</p> <p>24 Q. All right. Did he ever hug other members of your</p> <p>25 family?</p>	<p style="text-align: right;">Page 86</p> <p>1 A. Right.</p> <p>2 Q. All right. And I think we've focused on the</p> <p>3 occasions early in the morning when you would come in early</p> <p>4 with Mrs. Werling.</p> <p>5 A. Yes.</p> <p>6 Q. On those rides in with Mrs. Werling, did you ever</p> <p>7 say anything to her about Yarbenet?</p> <p>8 A. No.</p> <p>9 Q. Where was Mrs. Werling's room?</p> <p>10 A. Her room changed a lot, I think. The one I really</p> <p>11 remember is the one that was on the same floor as her. It</p> <p>12 was -- it was a few doors down. A little computer lab.</p> <p>13 Q. A few doors down from Yarbenet?</p> <p>14 A. Right.</p> <p>15 Q. Did you ever go stay in her room in the morning?</p> <p>16 A. A couple times, yeah.</p> <p>17 Q. When Yarbenet started touching you, did it make</p> <p>18 you uncomfortable?</p> <p>19 A. Yes.</p> <p>20 Q. Why didn't you just go to Mrs. Werling's room,</p> <p>21 Leigh Ann?</p> <p>22 A. She would walk me down to Mr. Yarbenet's room.</p> <p>23 Q. Did you ever say, I would like to -- may I stay in</p> <p>24 your room? Did you ever ask her that?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 85</p> <p>1 A. Yeah.</p> <p>2 Q. Who did he hug?</p> <p>3 A. I think he hugged everybody. It was kind of</p> <p>4 awkward for them, I think. I mean, you wouldn't expect a</p> <p>5 stranger to come up and hug you, but that's what he did, so.</p> <p>6 Q. Did he hug your mom?</p> <p>7 A. Yeah.</p> <p>8 Q. Did he hug your dad?</p> <p>9 A. I hope not. I don't know.</p> <p>10 Q. Did Yarbenet ever hug you in the presence of your</p> <p>11 mom or dad?</p> <p>12 A. When he hugged me in the presence of my parents,</p> <p>13 it would be a kind of a hi-hug thing.</p> <p>14 Q. I take that as a yes, though, he did hug you in</p> <p>15 front of your parents.</p> <p>16 A. Yes.</p> <p>17 Q. Did he hug your sisters?</p> <p>18 A. Probably.</p> <p>19 Q. You don't recall?</p> <p>20 A. Not really.</p> <p>21 Q. You do recall him hugging your mom, though, on</p> <p>22 occasion?</p> <p>23 A. Yes.</p> <p>24 Q. We've talked about when Yarbenet touched you while</p> <p>25 you were in the classroom.</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Why not?</p> <p>2 A. I don't know.</p> <p>3 Q. You don't have any reason to believe that she</p> <p>4 would have told you that you couldn't come into her room, do</p> <p>5 you?</p> <p>6 A. No.</p> <p>7 Q. Did Mr. Yarbenet ever do anything to you in that</p> <p>8 storage room that adjoins Mrs. Seneta's room with his room?</p> <p>9 A. We really didn't go in there very much. Maybe one</p> <p>10 or two occasions, but most of the conduct happened in his</p> <p>11 classroom itself.</p> <p>12 Q. Okay. Do you have any recollection at all of him</p> <p>13 doing anything to you in the storage room?</p> <p>14 A. Not really.</p> <p>15 Q. Did anything happen in the TV studio?</p> <p>16 A. A couple times, yeah.</p> <p>17 Q. What happened in the TV studio?</p> <p>18 A. Pretty much the same things that happened</p> <p>19 downstairs. We would be alone. Because I was in charge, I</p> <p>20 guess, and I would have everything ready upstairs before</p> <p>21 everybody else got up there. And he would come up with me.</p> <p>22 Q. I'm sorry, I didn't follow that. You would arrive</p> <p>23 at school. Would you go directly to the TV studio?</p> <p>24 A. When I got to school early?</p> <p>25</p>

12 (Pages 84 to 87)

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1 Q. Well, let's start with that. When you got to
2 school early and you also had TV studio responsibilities,
3 what would you do?
4 A. Well, we would be down there for a while. We had
5 to wait for the secretary to e-mail Mr. Yarbenet the morning
6 announcements, which wouldn't be until the kids got into
7 school.
8 Q. All right. So you wouldn't be in the TV studio
9 prior to that because you wouldn't have the material to work
10 with for that day.
11 A. Right.
12 Q. All right. The secretary would e-mail the morning
13 announcements. And then as a group, Yarbenet and you and
14 the other students would go to the studio.
15 A. I would -- we -- once we got the e-mail, we would
16 print it out. And then Yarbenet and I would go up to the TV
17 studio. And then after that, the rest of them would come
18 up.
19 Q. Did he ever touch you or do anything to you before
20 morning announcements?
21 A. In the TV studio?
22 Q. Yes.
23 A. Yes.
24 Q. What did he do?
25 A. Basically, what he always did. I mean.

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1 Q. Can you be specific?
2 A. He had a thing for touching my thighs and my
3 buttocks a lot. He would hug me a lot, for long periods of
4 time.
5 Q. Did he touch you in your genital area while you
6 were in the TV studio?
7 A. I have no idea.
8 Q. Did he ever touch you after morning announcements,
9 or was this always before the announcements?
10 A. After, there wasn't really much time because, I
11 mean, we would get our books and go to class.
12 Q. That's what I understood. The announcements would
13 finish up, and then you would pretty much be off to your --
14 either back to your homeroom or to your --
15 A. We would go right to class.
16 Q. Right to class. So the best of your recollection,
17 he didn't touch you during that period of time, correct, it
18 was prior to morning announcements?
19 A. Pretty much. I mean, sometimes I wouldn't be on
20 air doing the announcements, and we would be out in the
21 hall. Sometimes he would get a little something in, I guess
22 you would say, but that didn't happen very often.
23 Q. Did he touch you in the hallway?
24 A. Yeah, it was a really -- I mean, nobody was really
25 in the hallway. There was one classroom which was the music

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1 room, and Mrs. Verdecchia --
2 Q. Yes.
3 A. -- would be in there. But she had a little
4 cubicle, a little office. And she would be in her office.
5 She wouldn't have been able to see.
6 Q. Okay. Other than Mrs. Kwiatkowski, you can't
7 think of anyone else who may have saw him touching you, can
8 you?
9 A. Not specifically.
10 Q. Other than in or immediately outside of the TV
11 studio and the classroom, did he do anything to you in any
12 other location in the school?
13 A. In the hallway, outside his door.
14 Q. What did he do?
15 A. Mostly, he would hug me. There was students
16 around, teachers around.
17 Q. Would he hug other students as well? Did you see
18 him hug other students?
19 A. Yeah. He hugged everybody. But it was different
20 with my hugs.
21 Q. What was different about your hugs?
22 A. A lot. He would get really sexual. Sometimes he
23 would -- I mean, he would hug me really hard.
24 Q. He would squeeze tightly?
25 A. He would hold me close.

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1 Q. Okay.
2 A. Sometimes he would make sexual noises in my ear,
3 kind of breathing heavy or grunting. Sometimes he would
4 kind of thrust.
5 Q. Thrust his hips?
6 A. Yeah.
7 Q. Leigh Ann, again, I reviewed your transcript from
8 the dismissal hearing, and this is the first I'm hearing
9 about that or first I've read about that anywhere in the
10 police report or anywhere. Did you tell anyone else that he
11 ever thrust his hips at you?
12 A. No.
13 Q. Am I correct this is the first time you've
14 disclosed that?
15 A. Right.
16 Q. Did you tell your counselors at the Crime Victims
17 Unit that he thrust his hips at you?
18 A. No.
19 Q. Did you tell your counselors at the Crime Victims
20 Unit that he had touched you on your genital area?
21 A. No.
22 Q. During the dismissal hearing for Mr. Yarbenet, you
23 were asked some questions about whether other students could
24 see Yarbenet touching you when you were at his desk in the
25 front of the room, specifically at a time when I think a

13 (Pages 88 to 91)

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<p style="text-align: right;">Page 92</p> <p>1 movie was being played in the classroom.</p> <p>2 A. Right.</p> <p>3 Q. Do you remember that? Let me ask you, do you</p> <p>4 remember -- first of all, do you remember that testimony,</p> <p>5 being asked questions about that?</p> <p>6 A. Yes.</p> <p>7 Q. All right. And do you remember the movie that was</p> <p>8 being shown? Do you remember a movie being shown?</p> <p>9 A. Yeah, there was a movie being shown.</p> <p>10 Q. All right. Now, in your testimony during the</p> <p>11 dismissal hearing, I believe that you testified that was the</p> <p>12 first time that he had touched you inappropriately.</p> <p>13 A. Yes.</p> <p>14 Q. Was that testimony accurate?</p> <p>15 A. I think so.</p> <p>16 Q. All right. And it was your perception -- well,</p> <p>17 strike that. Let me just ask you generally. Was it your</p> <p>18 perception that kids in the classroom could not see what he</p> <p>19 was doing?</p> <p>20 A. Right.</p> <p>21 Q. And that was because, what?</p> <p>22 A. He had -- the science rooms have like big lab</p> <p>23 desks, so they're up to -- I mean, they would be up to like</p> <p>24 my rib cage. They're the high desks when I would stand.</p> <p>25 So, I mean, everything from like your ribs below, couldn't</p>	<p style="text-align: right;">Page 94</p> <p>1 Q. And over the time that you were a student there up</p> <p>2 until the point when Yarbenet was removed from the</p> <p>3 classroom, did you hear anything different other than good</p> <p>4 teacher; fun, cool guy?</p> <p>5 A. I think like most of the boys in school kind of</p> <p>6 thought he was a pervert, I guess you could say.</p> <p>7 Q. Dork?</p> <p>8 A. I guess. Yeah.</p> <p>9 Q. Did you hear anything -- anyone ever talk about</p> <p>10 Yarbenet doing anything sexually inappropriate with any of</p> <p>11 the students? Did you ever hear about that, physically</p> <p>12 inappropriate?</p> <p>13 A. No, not really.</p> <p>14 Q. Some of the boys thought he was a pervert?</p> <p>15 A. Yeah.</p> <p>16 Q. Did they tell you why they thought he was a</p> <p>17 pervert?</p> <p>18 A. Well, he was -- everywhere he was, there was a</p> <p>19 flock of girls, and he was 55 years old.</p> <p>20 Q. Did you ever have a discussion with any other</p> <p>21 teacher, administrator or staff member at Girard about</p> <p>22 Yarbenet prior to when you came forward?</p> <p>23 A. No.</p> <p>24 Q. When you were getting rides to school with</p> <p>25 Mrs. Werling, did you ever talk to her about Yarbenet?</p>
<p style="text-align: right;">Page 93</p> <p>1 see.</p> <p>2 Q. Was obscured?</p> <p>3 A. Right.</p> <p>4 Q. Was Yarbenet at one of those lab desks?</p> <p>5 A. Yes, that's the desk that sat in front of his</p> <p>6 room.</p> <p>7 Q. Okay. I haven't seen that particular classroom in</p> <p>8 a while. Did the rest of the room have those high lab desks</p> <p>9 as well, or was there only one high one at the front of the</p> <p>10 room?</p> <p>11 A. That was his desk, and that was the only one. The</p> <p>12 rest of them were school desks.</p> <p>13 Q. I understand. Has Mrs. Kwiatkowski ever been to</p> <p>14 your house?</p> <p>15 A. No.</p> <p>16 Q. Has she ever been to your cottage?</p> <p>17 A. No.</p> <p>18 Q. When you first arrived at Rice Avenue Middle</p> <p>19 School during the middle of your initial sixth grade year,</p> <p>20 what, if anything, did you hear about Yarbenet? Did you</p> <p>21 hear anything about him?</p> <p>22 A. I mean, kids liked him. Kids would be like Yarb's</p> <p>23 cool, stuff like that. I mean, he was a cool teacher. The</p> <p>24 first day I went there I said Mr. Yarbenet; and he said, no,</p> <p>25 no, call me Yarb, call me Yarb.</p>	<p style="text-align: right;">Page 95</p> <p>1 A. No.</p> <p>2 Q. How long have you known Mrs. Werling?</p> <p>3 A. Known her like personally?</p> <p>4 Q. Um-hum.</p> <p>5 A. Well, she is my neighbor, so when she moved in.</p> <p>6 Q. When was that?</p> <p>7 A. A couple years ago. A few years ago. Sorry.</p> <p>8 Q. That's all right. Did she live in your</p> <p>9 neighborhood before you started attending Rice Avenue Middle</p> <p>10 School?</p> <p>11 A. I think I was going there for a little bit, and</p> <p>12 then she moved in.</p> <p>13 Q. Did you feel that you could trust her?</p> <p>14 A. I guess. I mean, she was just my neighbor. I</p> <p>15 really didn't. I wasn't like close with her or anything.</p> <p>16 Q. Did you like her?</p> <p>17 A. Yeah, she was a nice lady.</p> <p>18 Q. Who was your guidance counselor while you were at</p> <p>19 RAMS?</p> <p>20 A. Mrs. DeMarco.</p> <p>21 Q. Prior to coming forward, did you ever meet with</p> <p>22 Mrs. DeMarco? Coming forward about Mr. Yarbenet, of course.</p> <p>23 Did you ever have any discussions with Mrs. DeMarco for any</p> <p>24 reason?</p> <p>25 A. Did I ever go down to her and talk to her?</p>

<p style="text-align: right;">Page 108</p> <p>1 A. Yeah.</p> <p>2 Q. What was it?</p> <p>3 A. It was Bobby.</p> <p>4 Q. And I understand that's an acronym that stands for</p> <p>5 something else?</p> <p>6 A. Yeah.</p> <p>7 Q. What does it stand for?</p> <p>8 A. I really don't remember. It was something.</p> <p>9 Q. Big old bald brother Yarb?</p> <p>10 A. Yeah.</p> <p>11 Q. Who came up with that?</p> <p>12 A. A[REDACTED].</p> <p>13 Q. A[REDACTED] A[REDACTED]?</p> <p>14 A. Yeah.</p> <p>15 Q. Did you have a boyfriend in sixth or seventh</p> <p>16 grade?</p> <p>17 A. Yes.</p> <p>18 Q. Who was that?</p> <p>19 A. J[REDACTED] P[REDACTED]</p> <p>20 Q. When did you start dating J[REDACTED]?</p> <p>21 A. Sixth grade.</p> <p>22 Q. Did you ever talk to Yarbenet about J[REDACTED]?</p> <p>23 A. Yeah. I guess.</p> <p>24 Q. What did you talk about?</p> <p>25 A. Well, he would ask me questions about our</p>	<p style="text-align: right;">Page 110</p> <p>1 grade?</p> <p>2 A. Yeah.</p> <p>3 Q. Did you ever confide in J[REDACTED] about anything</p> <p>4 Yarbenet was doing?</p> <p>5 A. No.</p> <p>6 Q. In his notes and cards to you, did Yarbenet call</p> <p>7 you by a different name?</p> <p>8 A. Yeah.</p> <p>9 Q. What did he call you?</p> <p>10 A. Anna.</p> <p>11 Q. I mean, obviously, Leigh Ann, Anna, I see the</p> <p>12 tie-in. But how did he come up with that, do you know?</p> <p>13 A. Actually, my friends came up with that, and he</p> <p>14 kind of picked up on it.</p> <p>15 Q. Picked up on it. Some of your friends started</p> <p>16 calling you Anna?</p> <p>17 A. Um-hum.</p> <p>18 Q. And then Yarbenet started calling you Anna?</p> <p>19 A. Um-hum.</p> <p>20 Q. Did Yarbenet ever give you test answers?</p> <p>21 A. Yes.</p> <p>22 Q. Before the test?</p> <p>23 A. Yes.</p> <p>24 Q. Obviously. For his tests, I assume?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 109</p> <p>1 relationship.</p> <p>2 Q. What did he ask you?</p> <p>3 A. Stuff he really didn't need to know, I mean.</p> <p>4 Q. I agree. Okay. But when did he -- let me back</p> <p>5 up. When did he first ask you about J[REDACTED]?</p> <p>6 A. I don't remember. We dated for a long time,</p> <p>7 Jordan and I.</p> <p>8 Q. What did he ask you, to the best of your</p> <p>9 recollection? I know in hindsight, it's all inappropriate.</p> <p>10 But do you remember, looking back, what he asked you?</p> <p>11 A. He asked about what we did when we were together,</p> <p>12 if we ever kissed. Stuff like that.</p> <p>13 Q. Did you tell him?</p> <p>14 A. If we ever kissed?</p> <p>15 Q. Yeah.</p> <p>16 A. Yeah. It was kind of embarrassing. But yeah.</p> <p>17 Q. How many times did you have a conversation with</p> <p>18 Yarbenet about your boyfriend J[REDACTED]?</p> <p>19 A. I don't know. He would always ask about J[REDACTED]</p> <p>20 Q. Often?</p> <p>21 A. Yeah.</p> <p>22 Q. Did he ever talk directly to J[REDACTED] about you?</p> <p>23 A. I think he might have. Probably. He was really</p> <p>24 interfering on that relationship.</p> <p>25 Q. Was J[REDACTED] a classmate? Was he in your same</p>	<p style="text-align: right;">Page 111</p> <p>1 Q. How often did that occur?</p> <p>2 A. Like every test.</p> <p>3 Q. I take it you did well in science?</p> <p>4 A. Over 100 percent.</p> <p>5 Q. He did that for every test?</p> <p>6 A. Um-hum.</p> <p>7 Q. Would he give you the answers, like number one is</p> <p>8 A, number two is B? Or would he give you the material and</p> <p>9 say, here's what's going to be on the test?</p> <p>10 A. Most of the time like he would say like the</p> <p>11 letters and stuff. But sometimes he would make it into a</p> <p>12 little -- make it like a note. And there's one on record, I</p> <p>13 know.</p> <p>14 Q. All right. Did he give anyone else test answers,</p> <p>15 to your knowledge?</p> <p>16 A. No.</p> <p>17 Q. Leigh Ann, did you ever see Yarbenet ever touch</p> <p>18 another student other than the hugs that you talked about</p> <p>19 earlier?</p> <p>20 A. No.</p> <p>21 Q. Did any other student other than Stacy, of course,</p> <p>22 since after Yarbenet was suspended from school, did any</p> <p>23 other student ever tell you that Yarbenet had touched them</p> <p>24 inappropriately?</p> <p>25 A. No.</p>

18 (Pages 108 to 111)

<p style="text-align: right;">Page 112</p> <p>1 Q. Prior to Yarbenet's suspension, had you ever met 2 Stacy before? 3 A. No. 4 Q. Okay. You didn't know who she was? 5 A. No. 6 Q. Had you ever heard, you know, her name in any 7 context; Stacy used to go to school here, she was a really 8 good student of mine, a teacher, something to that effect? 9 A. After it came out, a lot of kids knew. I don't 10 know how they knew, but Stacy S[REDACTED]. 11 Q. Prior to that, though, you hadn't heard her name? 12 A. No. 13 Q. Did Yarbenet ever mention Stacy? 14 A. Yeah. He showed me a picture of her. It was in 15 the back room, the one between the two science rooms. And 16 there was a picture of Stacy. 17 Q. Was it on the wall or did he have it? 18 A. It was on the wall. 19 Q. Did he have a lot of pictures in that back room? 20 A. Yeah. 21 Q. Were they of students, field trips? Do you 22 remember what was the context, what was depicted in the 23 pictures? 24 A. Just random pictures. I mean, he had pictures 25 everywhere. They were by his computer. They were in the TV</p>	<p style="text-align: right;">Page 114</p> <p>1 A. No. 2 Q. Have your lawyers sent you to anybody for 3 evaluation? 4 A. No. 5 Q. You're not taking any medication at present? 6 A. I'm on -- I'm on the pill. 7 Q. That's to regulate your menstrual cycle? 8 A. Right. 9 Q. Other than that? 10 A. No. 11 Q. You're not -- you're not taking anything for 12 depression, anxiety or any other problems of that nature? 13 A. Not anymore, no. 14 Q. Okay. Last time you had any medication of that 15 nature was back in eighth grade? 16 A. Right. 17 Q. The last time you saw any counselors or 18 psychologists or psychiatrists would have been back in 19 eighth grade as well? 20 A. Right. 21 Q. You had some problems with anxiety back in eighth 22 grade? 23 A. Yes. 24 Q. Was that primarily the stress of the whole 25 disciplinary action; you testified against Mr. Yarbenet at</p>
<p style="text-align: right;">Page 113</p> <p>1 studio. He had a lot of pictures. 2 Q. Okay. A lot of different students, a lot of -- 3 A. Yeah. 4 Q. -- different activities, I take it? 5 A. Yeah. 6 Q. Now, am I correct, Leigh Ann, you're not seeing 7 any counselors, psychiatrists or psychologists at present; 8 is that right? 9 A. No. 10 Q. Do you have any plans to see any? 11 A. Yeah. 12 Q. Okay. Who are you going to go see? 13 A. I wanted to see Michelle again at the Crime 14 Victims Center. I don't know if she is still there or not. 15 Q. Michelle Peterson? 16 A. Right. 17 Q. Other than Michelle Peterson and whoever followed 18 her -- I know she went on a maternity leave and there was 19 someone that came on board that you really didn't like. 20 A. Um-hum. 21 Q. Is that right? 22 A. Right. 23 Q. Other than Michelle Peterson and her successor, 24 have you seen any other counselors, psychiatrists or 25 psychologists?</p>	<p style="text-align: right;">Page 115</p> <p>1 his dismissal hearing, and the whole having to come forward 2 with the information? 3 A. Yeah, I think so. 4 Q. Okay. After you put that behind you, you're doing 5 better? 6 A. I'm doing better. It's not all gone, but. 7 Q. What problems are you having now? 8 A. You mean, like medically? 9 Q. Anything. 10 A. Just everything. 11 Q. Anything that you associate with Greg Yarbenet. 12 A. A lot of things. There's -- lately, there's been 13 lots of nightmares. And then after the fact, there were. I 14 guess depression. Bad grades, really bad grades. 15 Q. Anything else? 16 A. Problems with religion, like my church and stuff. 17 I was having issues with adults, meeting with parents, 18 grandparents, stuff like that. Hard to open up to people 19 again. 20 Q. Anything else? 21 A. That's pretty much it, in general. 22 Q. What kind of nightmares have you had? 23 A. Just ones about like recurring things. Like 24 things that he did to me. And, I mean, just a random dream 25 where he would be in it. Sometimes I just lose sleep.</p>

19 (Pages 112 to 115)

<p style="text-align: right;">Page 116</p> <p>1 Q. So you would have occasionally a random dream</p> <p>2 where Yarbenet would be in the dream?</p> <p>3 A. Yeah.</p> <p>4 Q. And when you say you would -- you'll dream about</p> <p>5 him touching you, is that --</p> <p>6 A. Yeah.</p> <p>7 Q. How often does that happen? How often do you have</p> <p>8 a dream or nightmare of that nature?</p> <p>9 A. Lately, a lot. When I was -- when I came forward,</p> <p>10 I had them a lot. And there was kind of like an in between</p> <p>11 period where it was kind of where there -- they weren't</p> <p>12 happening very often. Because nothing was going on with it.</p> <p>13 And then now.</p> <p>14 Q. You think this process is reviving it?</p> <p>15 A. Rehashing it.</p> <p>16 Q. Did you talk to anyone about those dreams? Have</p> <p>17 you talked to -- spoken with anyone about those dreams?</p> <p>18 A. I think when I was seeing Michelle, I talked to</p> <p>19 her about nightmares.</p> <p>20 Q. Anyone else that you would discuss those with?</p> <p>21 A. No.</p> <p>22 Q. You say, I guess, depression. What do you mean?</p> <p>23 A. I mean, I -- I'm not a doctor -- I mean, to me,</p> <p>24 it's depression.</p> <p>25 Q. But what are you thinking of that you think might</p>	<p style="text-align: right;">Page 118</p> <p>1 A. Yes.</p> <p>2 Q. Did he do your homework in algebra?</p> <p>3 A. I was in just a general math class, and he would</p> <p>4 do my homework.</p> <p>5 Q. Okay. When did he do that?</p> <p>6 A. Sometimes in the mornings. Like if I didn't get</p> <p>7 my homework done at night, that next day I would be doing my</p> <p>8 homework in homeroom or at the TV studio, and he would just</p> <p>9 kind of take over.</p> <p>10 Q. Did he ever help you with your homework?</p> <p>11 A. He called it helping. But he would actually just</p> <p>12 do it.</p> <p>13 Q. Did you ever ask him for help?</p> <p>14 A. Sometimes I would be like -- like I would ask him</p> <p>15 a question or something. And then he would just take over.</p> <p>16 He's like, here, let me help you with that. It's not</p> <p>17 helping if you're not learning. That's how I look at it.</p> <p>18 Q. Any other -- other than Algebra II, any other</p> <p>19 courses where you've had grade problems?</p> <p>20 A. Science courses, definitely.</p> <p>21 Q. What science did you have this year?</p> <p>22 A. This year I took biology.</p> <p>23 Q. How did it go?</p> <p>24 A. I really liked it, but, again, I had to work my</p> <p>25 ass off. It was so hard. I mean, things I should have</p>
<p style="text-align: right;">Page 117</p> <p>1 be depression?</p> <p>2 A. Just the symptoms of depression. I mean, when</p> <p>3 people are depressed, they're -- they don't want to do</p> <p>4 anything.</p> <p>5 Q. Tell me how you're feeling.</p> <p>6 A. When it was -- when I came out and everything was</p> <p>7 going on about it, I mean, I didn't want to do anything</p> <p>8 anymore. I didn't want to play with my sisters anymore. I</p> <p>9 wasn't interested in anything anymore. I just wanted to be</p> <p>10 by myself. I cried all the time.</p> <p>11 Q. You mentioned bad grades. When did you experience</p> <p>12 bad grades, Leigh Ann?</p> <p>13 A. I've always been kind of, I guess, average in</p> <p>14 school. I never had exceptional grades. But like this</p> <p>15 year, it was probably my hardest year ever. I mean, I</p> <p>16 barely passed Algebra II. I was borderline the whole time.</p> <p>17 Q. Tough course, though, right?</p> <p>18 A. Yeah. But I didn't know any basics, so how can</p> <p>19 you do such a hard course when you don't know basics to</p> <p>20 math.</p> <p>21 Q. I see. Well, how did you miss out on the basics?</p> <p>22 A. He did my homework.</p> <p>23 Q. Okay. I see. What you're saying is that by</p> <p>24 making it easier on you, he deprived you of the foundation</p> <p>25 you needed for later courses.</p>	<p style="text-align: right;">Page 119</p> <p>1 known, I just didn't. And then ninth grade year, I think I</p> <p>2 had Ds. I could have done better if I would have known.</p> <p>3 Q. What did you have in ninth grade, what science</p> <p>4 class?</p> <p>5 A. I think it's called introduction to science.</p> <p>6 Q. Was biology part of the curriculum that Yarbenet</p> <p>7 taught you while you were in middle school?</p> <p>8 A. There were things in biology that would be like</p> <p>9 back in sixth grade science. It kind of snowballed. Like</p> <p>10 sixth grade he was supposed to prepare me for seventh grade</p> <p>11 science. And when he did -- when I got the answers to my</p> <p>12 sixth grade science things, seventh grade I was totally</p> <p>13 lost. And it just kind of snowballed. Eighth grade I was</p> <p>14 lost. Ninth grade I was -- you know what I mean.</p> <p>15 Q. Yeah. You had Yarbenet only for sixth grade</p> <p>16 science, correct?</p> <p>17 A. Correct.</p> <p>18 Q. How are your grades in seventh grade science?</p> <p>19 A. Same. They were bad. Like they were -- I've</p> <p>20 never been able to understand it, I guess.</p> <p>21 Q. How did you do in eighth grade science?</p> <p>22 A. Probably the same. I don't think I've ever gotten</p> <p>23 better than a C.</p> <p>24 Q. There were some foundational problems you had</p> <p>25 coming from Saint John's to Girard; is that right?</p>

20 (Pages 116 to 119)

<p style="text-align: right;">Page 120</p> <p>1 A. Right.</p> <p>2 Q. The curriculum at Saint John's really didn't keep</p> <p>3 up with Girard's curriculum.</p> <p>4 A. Which is why I repeated.</p> <p>5 Q. Repeated six.</p> <p>6 A. Right.</p> <p>7 Q. You mentioned religion. What are the issues with</p> <p>8 religion and Yarbenet?</p> <p>9 A. We've always been really a strong Catholic family.</p> <p>10 My whole family goes to church. And it's hard to explain.</p> <p>11 I guess I kind of questioned my beliefs and God. Basically</p> <p>12 because of why something like this would have happened to</p> <p>13 me. I don't know if I'm making any sense.</p> <p>14 Q. I think I understand.</p> <p>15 A. Just questioning my faith, I mean.</p> <p>16 Q. How old are you, Leigh Ann; 16?</p> <p>17 A. 16.</p> <p>18 Q. You turn 17 in August?</p> <p>19 A. Right.</p> <p>20 Q. You mentioned issues with adults, in general, your</p> <p>21 parents and grandparents in particular.</p> <p>22 A. Yeah. Just -- like my mom and I used to be close.</p> <p>23 Like I could tell her anything. And then like when this --</p> <p>24 when it started and was going on, I just kind of grew apart</p> <p>25 from her. I didn't talk to her anymore. I lost the</p>	<p style="text-align: right;">Page 122</p> <p>1 done it. And then volleyball, I did it a year in the middle</p> <p>2 school, just intramural. And then I've done it.</p> <p>3 Q. So you started volleyball at Rice Avenue Middle</p> <p>4 School?</p> <p>5 A. Just for one year they offered it.</p> <p>6 Q. Okay. That was your only option. And they didn't</p> <p>7 have it before your eighth grade year, I take it?</p> <p>8 A. Yeah, I think I did it seventh grade year.</p> <p>9 Q. Okay. What happened in eighth grade?</p> <p>10 A. They just didn't offer it anymore. Nobody was</p> <p>11 really interested.</p> <p>12 Q. Was softball offered in middle school?</p> <p>13 A. No.</p> <p>14 Q. Do any other sports in middle school; basketball,</p> <p>15 anything?</p> <p>16 A. No.</p> <p>17 Q. So you started softball in high school, and you</p> <p>18 had one year of volleyball in middle school and continued in</p> <p>19 high school.</p> <p>20 A. Right.</p> <p>21 Q. Okay. Any good?</p> <p>22 A. Hum?</p> <p>23 Q. Are you any good at those sports?</p> <p>24 A. I keep getting hit in softball.</p> <p>25 Q. By the pitcher?</p>
<p style="text-align: right;">Page 121</p> <p>1 relationship that we had.</p> <p>2 Q. Did you ever talk to your mom or your dad about</p> <p>3 Yarbenet's conduct when it was occurring?</p> <p>4 A. No.</p> <p>5 Q. So you don't feel as close with your parents and</p> <p>6 grandparents as you used to be?</p> <p>7 A. Well, I mean, now, after it's all done, I mean --</p> <p>8 I guess, like when it was happening, I kind of grew apart</p> <p>9 from them a little bit. I mean, I couldn't talk to them</p> <p>10 about it, so I felt like I wasn't as close. I mean, I would</p> <p>11 tell my mom everything before. And then when this happened,</p> <p>12 we kind of grew apart.</p> <p>13 Q. How are things going now in the relationship,</p> <p>14 better?</p> <p>15 A. Yeah.</p> <p>16 Q. Good. Any disciplinary problems or issues in</p> <p>17 school?</p> <p>18 A. No.</p> <p>19 Q. Now, I know you're involved in sports.</p> <p>20 A. Um-hum.</p> <p>21 Q. Okay. What do you enjoy doing?</p> <p>22 A. Softball and volleyball in school.</p> <p>23 Q. How long have you been doing softball and</p> <p>24 volleyball?</p> <p>25 A. Softball, my freshman and sophomore year, I've</p>	<p style="text-align: right;">Page 123</p> <p>1 A. I keep getting concussions. I don't play very</p> <p>2 much anymore.</p> <p>3 Q. Okay.</p> <p>4 A. Volleyball, yeah, I've been on varsity since my</p> <p>5 freshman year.</p> <p>6 Q. Oh, good for you. Well, you must be good at</p> <p>7 softball too or else they wouldn't be trying to take you out</p> <p>8 all the time.</p> <p>9 A. Yeah.</p> <p>10 Q. Did you participate in softball this past year?</p> <p>11 A. Yes.</p> <p>12 Q. You just had some injuries and concussion issues?</p> <p>13 A. Yeah, I had a blow to the head.</p> <p>14 Q. Okay. Are you going to continue with softball and</p> <p>15 volleyball next year?</p> <p>16 A. Yeah.</p> <p>17 Q. Any other activities in school?</p> <p>18 A. Student council.</p> <p>19 Q. How long have you been doing that?</p> <p>20 A. Since freshman year, and I'm a class officer.</p> <p>21 Q. Good for you.</p> <p>22 A. And I'm treasurer of student council. I got</p> <p>23 elected this year.</p> <p>24 Q. Were you in student council in middle school?</p> <p>25 A. No.</p>

21 (Pages 120 to 123)

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S., and JOHN
and MARY ELLEN S.
on behalf of their
daughter, LEIGH ANN
S., a minor,

Plaintiffs,

vs.

GIRARD SCHOOL DISTRICT;
ROBERT SNYDER,
Individually and in
his capacity as Principal
of the Rice Avenue
Middle School; and
GREGORY YARBENTE, a
professional employee
of the Girard School
District,

Defendants.

CIVIL ACTION
C.A. No. 04-150 ERIE

Deposition of:
ROBIN SENETA

Deposition date:
March 24, 2005

Reported by:
Candance L. Messich

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MINI - TRANSCRIPT
KEY - WORD
INDEXING

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40a

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1 normally, so for our court reporter's
2 benefit, you want to read a little more
3 slowly.
4 THE WITNESS: "Good morning, Mrs.
5 Seneta. I don't know if you remember me. I
6 am Stacy and K. S. mother. We have
7 had conversations with an attorney, Mr. Ed
8 Olds. You are one of the people he will be
9 wanting to contact in the next few weeks. If
10 you'd prefer him to call you at home, please
11 call me or e-mail me with your home phone
12 number. And please call me if you have any
13 questions about this," and she gave me her
14 number.
15 Q And then you provided a copy of that to
16 Mr. McClelland?
17 A Yes.
18 Q And who is Mr. McClelland?
19 A At the time he would have been our principal.
20 Q And that's at the Rice Avenue Middle School?
21 A Yes.
22 Q What did Mr. McClelland -- you say he
23 responded?
24 A He did.
25 Q And would you read the e-mail he sent you?

1 Q So how long have you taught for the
2 Girard School District?
3 A This is my 12th year.
4 Q And what subjects do you teach?
5 A 8th grade science.
6 Q And have you taught in the middle school the
7 entire 12 years?
8 A Yes.
9 Q And we are here because Gregory Yarbenet
10 molested Stacy and Leigh Ann, and your room
11 was close to his, is that right?
12 A We have an adjoining closet.
13 Q You taught 8th grade science?
14 A Yes.
15 Q What other science teachers were there?
16 A Mr. Manross, 7th grade.
17 Q And Mr. Yarbenet taught 6th grade?
18 A Yes. And there were several 5th grade
19 teachers in that time period since I've been
20 there.
21 Q Do you recall who they were in terms of the
22 time period that I'm mostly interested in,
23 1997 to 2002? So that would be approximately
24 eight years ago to about three years ago. Do
25 you remember who the 5th grade teacher was or

1 A This was sent March 26th at 8:48 a.m., so
2 about an hour and a half later. He says, "I
3 just spoke with Dr. Maynard, and he
4 instructed to not answer the e-mail or
5 call Mrs. S. He is going the talk
6 with Attorney Perhacs to get further
7 instructions. I will let you know what to do
8 in the future as soon as I get word."
9 Q Thank you. Now, aside from that e-mail
10 communication, and I know that you've
11 mentioned that you talked to Mr. Lanzillo,
12 have you talked to anyone else in the
13 administration or communicated with anyone in
14 the Girard School District administration
15 about this case or this lawsuit?
16 A My administrator currently.
17 Q And that would be?
18 A Mr. Koma.
19 Q And the nature of that communication was?
20 A That I would be absent several occasions and
21 need coverage due to this lawsuit.
22 Q To participate in this deposition?
23 A Yes.
24 Q And where is Mr. McClelland now?
25 A At the high school.

1 were, which teachers there were in that time
2 period?
3 A Mr. Steve Weed. Honestly, I do not recall
4 what year he left, and I'm pretty sure
5 Mrs. Pushchak, who was at the time
6 Ms. Kellogg, came. I think that's it.
7 Q Now, tell me were you -- you were next to
8 Mr. Yarbenet, your room was next to him, is
9 that right?
10 A For eight years.
11 Q And was there like a closet in between your
12 two rooms? I guess it's been described as a
13 closet or a storage room.
14 A Yes.
15 Q Approximately how big was that room?
16 A Probably 14 to 12 feet long, eight feet wide,
17 six to eight feet wide. There's counters
18 that take up space.
19 Q There was a door out of that room to your
20 classroom and then a door out that room to
21 Mr. Yarbenet's classroom?
22 A Yes.
23 Q And could those doors be locked?
24 A From the outside.
25 Q In other words, from your classroom --

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1 A From my classroom -- well, I couldn't because
 2 I didn't have a key. It could be locked by
 3 outside my classroom going in. We didn't
 4 have keys. The maintenance people had them.
 5 Q And were there windows in that storage room?
 6 A No.
 7 Q And were there fluorescent lights?
 8 A Yes.
 9 Q Did you ever notice whether the lights didn't
 10 work in that room?
 11 A No.
 12 Q Did you ever observe that the lights had been
 13 unscrewed?
 14 A No.
 15 Q Do you know whether Mr. Yarbenet was able to
 16 lock his classroom such that you couldn't
 17 enter his classroom from the storage room?
 18 A No.
 19 Q Similar to the way that you could lock your
 20 room so it couldn't be entered if you had the
 21 key?
 22 A Could you clarify that?
 23 Q Sorry. If you had a key, you could have
 24 locked the room, so it could not be entered
 25 through the storage room?

1 A Say that again.
 2 Q Could he lock his door --
 3 A His storage door closest?
 4 Q Yes, so that you couldn't enter his room from
 5 the storage area.
 6 A No.
 7 Q Well, you're saying that you could lock the
 8 doors coming in from the hallways?
 9 A You could only lock the doors -- I could draw
 10 you a picture. You could only lock the doors
 11 from our classrooms going into the storage
 12 room. You could never lock them from in the
 13 storage room to go out.
 14 Q So, in other words, if someone -- it might
 15 not be important because you didn't have a
 16 key, is that right?
 17 A Nobody had a key, to my knowledge.
 18 Q Were you frequently in Mr. Yarbenet's
 19 classroom?
 20 A No.
 21 Q Were you friends with Mr. Yarbenet, social
 22 friends?
 23 A I was professional with him.
 24 Q Did Mr. Yarbenet ever touch you?
 25 A Maybe a hand on the shoulder.

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1 A No. I couldn't lock my door to my room?
 2 Q Right.
 3 A My outside door to my room?
 4 Q No, I'm talking from the entrance from the
 5 storage room to your room.
 6 A From the storage room --
 7 Q To your room. Could you lock that door?
 8 A No.
 9 Q You could not lock that door because you did
 10 not have a key?
 11 A You can't lock it because it's a safety
 12 feature that you don't want to get locked in
 13 the back room.
 14 Q Could that door be locked so you couldn't
 15 enter the back room?
 16 A Only from my side.
 17 Q What about from Mr. Yarbenet's side? Was it
 18 similar to your room, in other words?
 19 A It's the same setup. His door would be --
 20 only it would be locked from his room going
 21 in, not coming out.
 22 Q He would be able, if he had a key, to lock
 23 the door entering the storage room so that
 24 you couldn't enter his room from the storage
 25 room?

1 Q He didn't hug you?
 2 A No.
 3 Q Did he ever attempt to hug you?
 4 A Most likely.
 5 Q Do you recall a specific instance where he
 6 did do that and you rebuffed him?
 7 MR. LANZILLO: Attempt to hug?
 8 MR. OLDS: Yes, attempt to hug.
 9 THE WITNESS: Not a specific one.
 10 Q You say most likely. Why did you say most
 11 likely?
 12 A Because he hugged a lot of people.
 13 Q Did you ever see him hug males?
 14 A I probably did.
 15 Q Did you see him hug Mr. Manross?
 16 A I can't recall a specific time.
 17 Q You mentioned a guy named Steve Weed. Did
 18 you ever see him hug Steve Weed?
 19 A Not a specific time.
 20 Q Did you ever see him hug, for instance,
 21 Mr. Snyder?
 22 A Not a specific recollection.
 23 Q What about male students? Did he hug male
 24 students?
 25 A He did.

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1 Q And he hugged female students as well, is
2 that right?

3 A He did.

4 Q When did you observe him hugging female
5 students? In other words, how would it
6 happen that you --

7 A A greeting.

8 Q -- would be there to observe it?

9 A The hallway.

10 Q And on a given day, how many times might he
11 hug a female student, one or more female
12 students?

13 A I wouldn't see him all day.

14 Q I know. But on a given day, how many times
15 would you observe him doing that?

16 A Once or twice.

17 Q Do you know if there was any school district
18 policies concerning faculty members touching
19 students?

20 MR. LANZILLO: Objection to form.

21 Overly broad and vague.

22 THE WITNESS: Could you repeat
23 that?

24 MR. OLDS: Sure.

25 Q Were you aware of whether there were any

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1 rules concerning faculty members touching
2 students?

3 A No specific written rule.

4 Q Did you touch students?

5 A I don't.

6 Q I think you indicated that you were not often
7 in Mr. Yarbenet's classroom?

8 A No.

9 Q Did Mr. Yarbenet make you nervous?

10 A No.

11 Q Did you ever see or observe Mr. Yarbenet do
12 something that you thought -- and I'm talking
13 relative to a student, and I'm not asking for
14 a generalized norm or anything like that, I'm
15 trying to get your impressions -- did you
16 ever see him do anything that you thought was
17 improper or unprofessional or inappropriate
18 relative to students?

19 MR. LANZILLO: Objection to form.

20 THE WITNESS: That's very vague.

21 Could you be more specific?

22 MR. OLDS: Well, sure.

23 Q Did you ever see him do anything -- can you
24 recall seeing him do something that you
25 thought, well, I would never do that?

1 MR. LANZILLO: Objection to form.

2 THE WITNESS: Yes.

3 Q Tell me what kind of things you saw of that
4 nature.

5 A Walk home with students, drive students home,
6 put themselves in a one-on-one situation with
7 any student in a classroom without anyone
8 else there.

9 Q You observed him one-on-one with
10 Stacy S█████, is that right?

11 A Yes.

12 Q On more than one occasion?

13 A Yes.

14 Q Did you ever see him walk home with her?

15 A Not to my specific recollection.

16 Q Did you ever see him drive her home?

17 A I saw her in his car.

18 Q You saw him walk home with students. Do you
19 recall which students he walked home with?

20 A Many.

21 Q Were they always female?

22 A No.

23 Q No?

24 A No.

25 Q How many times do you think -- did you ever

1 see him one-on-one with Leigh Ann S█████?

2 A No.

3 Q How many times do you think that you saw him
4 one-on-one with Stacy S█████?

5 A I can't answer that.

6 Q Would it be numerous times?

7 A Yes, that's fair.

8 Q And what parts of the day or on what
9 occasions might you see that?

10 A Any time of the day, before homeroom,
11 sometimes after school. She did TV studio
12 with him, the morning news. She often would
13 be coming from her, I assume, study hall in
14 his classroom while he had class.

15 Q But you saw her one-on-one with him. Does
16 that mean that his class wasn't in the room?

17 A Not always.

18 Q You indicated that you would see her
19 one-on-one with him in the morning before
20 homeroom, is that right?

21 A Yes.

22 Q The TV studio, was that near his science
23 room?

24 A No.

25 Q So that was a different part of the building?

Page 20

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1 A Yes.
 2 Q Before homeroom, where would you see them
 3 together one-on-one?
 4 A Sometimes in his classroom, sometimes in the
 5 back room, sometimes in the hallway.
 6 Q And how was it -- well, tell me, if you can,
 7 did you see him numerous times with her in
 8 the back room?
 9 A Several.
 10 Q What were they doing? How did you happen to
 11 be in the back room when they were in the
 12 back room?
 13 A Walked back to put something away, to look
 14 for something. I kept movies back there,
 15 things like that. It's a storage facility
 16 for both of our classrooms.
 17 Q When you would walk in, what would you
 18 observe?
 19 A Talking.
 20 Q Well, how close were they?
 21 A Side by side.
 22 Q Did you ever see him with his hands on her?
 23 A No.
 24 Q Did you ever see him hug her?
 25 MR. LANZILLO: In the storage room

1 shouldn't say trip. No trip. Local places
 2 that they would go on weekends.
 3 Q You indicated that you weren't social friends
 4 with him, is that right?
 5 A Correct.
 6 Q When he would come and tell you these kinds
 7 of things, would it make you wonder why is he
 8 telling me this?
 9 A No.
 10 Q And so you never wondered why he would be
 11 sharing that information with you?
 12 A No.
 13 Q Did you ever talk to Mr. Snyder about your
 14 observations of seeing them one-on-one?
 15 A Of seeing --
 16 Q Stacy and Yarbenet together in the storage
 17 room or in his classroom alone.
 18 A No.
 19 Q You never mentioned that to Mr. Snyder?
 20 A No.
 21 Q Did you ever talk to Mr. Snyder at all about
 22 Gregory Yarbenet?
 23 A Yes.
 24 Q Tell me what you talked to him about.
 25 A That there were students in the back room,

Page 21

Page 23

1 or at any time?
 2 MR. OLDS: Or anywhere.
 3 MR. LANZILLO: Okay.
 4 THE WITNESS: Probably.
 5 Q Tell me what you thought about them being
 6 together one-on-one in the storage room.
 7 A They were friends outside of school.
 8 Q And how did you know that?
 9 A He would tell me that.
 10 Q So you talked to him about your observations
 11 of seeing him one-on-one with her?
 12 A He talked to me about it.
 13 Q So would that be when you walked in on them
 14 or would that be on other occasions?
 15 A Usually possibly after I saw them together.
 16 Q And this would be something that he would
 17 volunteer to you?
 18 A Yes.
 19 Q And tell me what he would say to you.
 20 A He would tell me how close their family was
 21 with her family. He would tell me that they
 22 do things with the families together on the
 23 weekends. He had mentioned that they went --
 24 several things. I can remember a specific
 25 trip they went on one -- not a trip. I

1 many students often, loud, and that
 2 Mr. Yarbenet had put a bar across the
 3 cabinets that he adhered down with metal
 4 things, and that students would be hanging
 5 from that and just spend time in the back
 6 room, many students, many times. I had
 7 things back there that were worth value, and
 8 I didn't want them back there unsupervised.
 9 Q How many times do you think that you talked
 10 to Mr. Snyder about that?
 11 A Once or twice.
 12 Q Did the school district sponsor any
 13 in-service or training on pedophilia?
 14 A No.
 15 Q In your experience learning how to become a
 16 teacher, you know, in your education, did you
 17 learn anything about the profile of a
 18 pedophile?
 19 A Not off the top of my head.
 20 Q Do you know anything about pedophiles?
 21 A I do.
 22 Q What do you know about pedophiles?
 23 A That they prey on small children, young
 24 children.
 25 Q But you don't know anything about the signs

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1 Q You indicated that you saw Stacy S [REDACTED] in
 2 Yarbenet's car?
 3 A Yes.
 4 Q What kind of car?
 5 A A Corvette maybe, something fancy.
 6 Q Was that on more than one occasion?
 7 A I'll say yes.
 8 Q And where would he park his car so that you
 9 would be able to see Stacy in his car?
 10 A In the south parking lot, teacher lot.
 11 Q And that would be near -- was there an
 12 entrance near your area that you could come
 13 in?
 14 A Yes.
 15 Q So you would be able to observe that lot from
 16 your room?
 17 A No.
 18 Q So when you observed him in that lot, it
 19 would be because you were outside in the lot
 20 also?
 21 A Yes.
 22 Q Did you ever see any other girls in his car?
 23 A I recall seeing students. I could not
 24 differentiate male or female for you.
 25 Q Can you recall any of the students that you

1 saw in that car?
 2 A No.
 3 Q When you walked into his room to use the room
 4 as a shortcut, did you ever walk in when the
 5 lights were off?
 6 A Well, yes. He might not have even been there
 7 sometimes if I got there before him, you
 8 know.
 9 Q What about when he was there with Stacy, did
 10 you ever observe him in the room with the
 11 lights off?
 12 A Not with the lights off.
 13 Q The door between his room and the hallway,
 14 was it ever covered with material so that it
 15 wasn't transparent, the glass?
 16 A Yes.
 17 Q What kind of things did you see covering the
 18 door?
 19 A Posters.
 20 Q Do you ever recall a time when your entrance
 21 either into the storage area or his classroom
 22 was obstructed?
 23 A Obstructed how?
 24 Q In other words, did you ever push on the
 25 door -- did you open the door into your

1 classroom or open the door into the storage
 2 room?
 3 A Probably.
 4 Q Which one?
 5 A I mean, opening it into the storage room.
 6 Q Did you ever approach the storage room door
 7 and find that it was obstructed so that it
 8 didn't open easily?
 9 A Didn't open?
 10 Q Easily.
 11 A Probably.
 12 Q Did you find out why it hadn't opened easily?
 13 A Sometimes our doors when they open kind of
 14 lock each other (indicating).
 15 MR. LANZILLO: The witness is
 16 motioning with her hands indicating, I
 17 believe, that the doors run into each other
 18 and collide.
 19 THE WITNESS: Yes.
 20 Q So if the door to his classroom were open,
 21 you might not be able to open the door from
 22 your classroom into the storage room easily
 23 without having contact between the two doors?
 24 A Right.
 25 Q On those occasions, did you ever experience

1 that situation when Stacy was in the storage
 2 room with Yarbenet?
 3 A Not that I recall.
 4 Q And I think that you indicated that you never
 5 saw Leigh Ann in that storage room with
 6 Yarbenet?
 7 A Never.
 8 Q Did you ever see her one-on-one in his
 9 classroom?
 10 A I didn't know who Leigh Ann was until after
 11 all this. I wouldn't have recognized her
 12 from any other student.
 13 Q Well, did you ever see him one-on-one with
 14 any other girls besides Stacy?
 15 A I guess yes. I would have to say yes.
 16 Q Who are the other girls?
 17 A Nobody specific that I can remember, just the
 18 students.
 19 Q One-on-one, though, alone?
 20 A At the desk talking about something or
 21 walking through the hall from class to class,
 22 yes.
 23 MR. OLDS: Just make this part
 24 confidential here.
 25 (Whereupon, the transcript is

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1 evidence being admitted here today. This is
2 Mr. Olds' opportunity to ask you pretty much
3 any question he wants to subject to my
4 objections, which may or may not be valid and
5 will be ruled on later. So at this point
6 don't be concerned about any rules of
7 evidence. They're not in play here today.
8 Q So tell me what conversations you either
9 participated in or overheard regarding
10 Yarbenet's propensity to be alone one-on-one
11 with female students.
12 MR. LANZILLO: Objection to form.
13 Go ahead.
14 THE WITNESS: Define propensity for
15 me.
16 Q Propensity means his inclination or the fact
17 that it happened.
18 MR. LANZILLO: Objection to form.
19 Go ahead.
20 THE WITNESS: I'm sure on occasion
21 I've mentioned to other teachers that that's
22 something that I wouldn't do, friends.
23 Q And who might they be?
24 A Linda Tucci. That's probably the person I
25 can remember most that I would have had a

1 A Do you want a specific --
2 Q It happens?
3 A Occasionally.
4 Q Is that a situation that happens frequently?
5 A No.
6 Q I think that you indicated, and I don't want
7 to put words in your mouth, but I think that
8 you indicated that the fact of Yarbenet's
9 being alone with students is something that
10 you observed and that you wouldn't do the
11 same thing, something to that effect, right?
12 That's how we got started talking about
13 that.
14 A Correct.
15 Q Do you recall whether you ever participated
16 in or were near, overheard other faculty
17 members talking about Yarbenet and his
18 propensity to be alone with female students?
19 MR. LANZILLO: Objection to form.
20 THE WITNESS: Hearsay most likely,
21 just sidebar.
22 Q Well, that's what -- what do you recall? And
23 in this type of judicial form we're allowed
24 to take hearsay evidence.
25 MR. LANZILLO: Well, there's no

1 discussion with.
2 Q And who's she?
3 A The math teacher, 8th grade.
4 Q And do you remember what her response was?
5 A She agreed.
6 Q It never occurred to you that maybe you
7 should mention this fact to Mr. Snyder?
8 A It's not illegal.
9 Q What is not illegal?
10 A To be on a one-on-one situation with a
11 student.
12 Q So if it had been illegal, you would have
13 mentioned it, but absent it being illegal,
14 even though you thought it was -- is it fair
15 to say that you did not approve of that?
16 A It's fair to say that that's something that I
17 wouldn't do.
18 Q Well, did you disapprove of it? Did you
19 think that it was wrong?
20 A I think -- I don't think it's wrong. I think
21 that you -- I don't think it's wrong.
22 Q It worried you enough however to talk to
23 Linda Tucci about it?
24 MR. LANZILLO: Objection to form.
25 THE WITNESS: It didn't worry me.

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1 Q It concerned you enough that you talked to
 2 Linda Tucci about it, you mentioned it to
 3 her?
 4 MR. LANZILLO: Same objection.
 5 THE WITNESS: I wouldn't say
 6 concerned.
 7 Q Well, why did you talk to Linda Tucci about
 8 it?
 9 A Because we're friends.
 10 Q Well, that specific topic, why did you bring
 11 it up to her?
 12 A Most likely because we were discussing
 13 something that he did that annoyed us or we
 14 thought was unprofessional.
 15 Q Do you remember specifically what the topic
 16 was that you were discussing?
 17 A No.
 18 Q Did you ever hear from any other teachers
 19 that Yarbenet would remove students from
 20 their class?
 21 A Yes.
 22 Q Which other teachers did you hear that from?
 23 A Linda Tucci, and at that time, I honestly
 24 cannot tell you specifically who else.
 25 Q By any chance, did Linda Tucci tell you that

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1 Yarbenet removed Stacy S [REDACTED] from her
 2 class?
 3 A Not specifically, just students.
 4 Q When you talked to Linda Tucci about
 5 observing Yarbenet -- when you talked to
 6 Linda Tucci about Yarbenet's being alone with
 7 students one-on-one, did you mention
 8 Stacy S [REDACTED] name to her?
 9 A Probably.
 10 Q And aside from this conversation that you had
 11 with Linda Tucci, do you recall any other
 12 conversations that you had with -- well, let
 13 me put it like this. Do you recall any
 14 conversations that you had with any other
 15 faculty members at all that concerned
 16 Yarbenet or his conduct?
 17 A I can't recall specific conversations.
 18 Q From time to time, did you discuss with other
 19 faculty members anything about Yarbenet?
 20 A Yes.
 21 Q And in general, what do you remember?
 22 A I didn't care for him. I would be annoyed
 23 with him.
 24 Q When you were having these conversations, did
 25 you ever give these faculty members

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1 illustrations of why you didn't care for him?
 2 A Yes.
 3 Q And what illustrations did you share with
 4 them?
 5 A He's arrogant.
 6 Q Anything else?
 7 A Juvenile.
 8 Q What kind of juvenile conduct did you see him
 9 engage in?
 10 A Specifically, TV studio, things that would
 11 come across the news that I thought were
 12 juvenile.
 13 Q Can you think of anything as we sit here
 14 today?
 15 A Not specifically. Just things that he would
 16 say or little -- I think I recall a puppet or
 17 something that would be in front of the
 18 camera that I just thought was really
 19 juvenile.
 20 Q Anything else that you can think of?
 21 A He was just arrogant.
 22 Q We were talking about things that you said to
 23 other faculty members. Do you recall hearing
 24 from other faculty members any complaints or
 25 objections -- any complaints about Yarbenet

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1 or objections to the things that he did,
 2 anything that he did?
 3 A Restate the question. Do you want people or
 4 things?
 5 Q What things did other faculty members
 6 complain about or object to?
 7 A Chaos in his classroom.
 8 Q Did you ever observe whether he let his
 9 students leave the classroom?
 10 A Leave?
 11 Q Yes, not be in the classroom.
 12 A I would assume he did at some point.
 13 Q No, I mean when they were supposed to be
 14 there.
 15 A I still assume that he did, bathroom,
 16 library.
 17 Q Did you ever see him allow, for instance, the
 18 whole class to leave?
 19 A No.
 20 Q Were you aware that he would discharge his
 21 homeroom class or --
 22 MR. LANZILLO: Objection to form.
 23 Go ahead and answer.
 24 THE WITNESS: I am not because he
 25 was never -- he didn't have a homeroom.

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1 Q He had the TV studio, right?

2 A Right, but they weren't next to me. They

3 would be upstairs.

4 Q And my question was do you know whether he

5 let them out early?

6 A I have no idea.

7 Q And aside from Linda Tucci, you don't recall

8 whether you shared your observation

9 concerning him spending so much time with

10 Stacy S. with any other faculty member?

11 A Nothing specifically.

12 Q We had identified an exhibit, Deposition

13 Exhibit 1. Can you tell me if you've ever

14 seen that document before?

15 MR. LANZILLO: You'll need to

16 review it.

17 (Witness reviews the document.)

18 Q Have you ever seen that before?

19 A Yes.

20 Q On what occasions did you see it?

21 A We get it every January.

22 Q You get it every January?

23 A We get a packet of school district policies.

24 Q And could you just look at page two of four,

25 and see where it says delegation of

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1 responsibility down there on that left

2 column. The second item under that, "The

3 district shall provide training for students

4 and staff concerning all aspects of unlawful

5 harassment."

6 What training did you attend that

7 the school district provided concerning

8 unlawful harassment?

9 A We've had several trainings on sexual

10 harassment.

11 Q When was that?

12 A I couldn't give you specific dates.

13 Q And who conducted the training?

14 A I believe Mr. Snyder. I believe we had a

15 videotape also that we were required to watch

16 by someone, possibly the State, but I can't

17 say that for sure. Some type of video that

18 we had to watch and discussion on it and so

19 forth and so on.

20 Q Well, discussion on it. What was the

21 discussion?

22 A Policy.

23 Q Who was present at this training?

24 A Faculty.

25 Q And was it at an in-service that it was

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1 provided?

2 A Most likely.

3 Q And were you given any materials?

4 A Most likely.

5 Q Do you remember if you were?

6 A Not specifically.

7 Q Did Mr. Snyder discuss pedophiles when he did

8 the sexual harassment training?

9 A I can't recall.

10 Q Where were you when you learned that Yarbenet

11 had been arrested?

12 A In my classroom. No, I take that back.

13 THE WITNESS: Can I take that

14 back? Can I take that back?

15 MR. LANZILLO: Everything you say,

16 Robin, goes on the transcript. If you say

17 something and realize on further reflection

18 that it wasn't exactly right and you want to

19 correct it, just let us know. That's fine.

20 THE WITNESS: I'm taking that

21 back. I was in Mr. Snyder's office.

22 Q And tell me about that.

23 A I was called down from my classroom.

24 Q And what was said?

25 A I was asked from two police officers, our

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1 superintendent, Mr. Snyder, various questions

2 regarding Mr. Yarbenet.

3 Q So that was the first that you learned that

4 he had been arrested, when you had that

5 meeting with Mr. Snyder?

6 A Yes.

7 Q There were two police officers there?

8 A Yes.

9 Q Were you given the chance to like call up

10 your union representative or anything like

11 that?

12 A No.

13 Q And so who conducted -- who all was present

14 there? Was it Mr. Snyder?

15 A Mr. Blucas, Mr. Bucho and somebody else,

16 another police officer. I can't recall who

17 it was.

18 Q And have you ever seen the police officer's

19 report of the statement that you gave?

20 A Yes. No, I haven't seen it.

21 Q Did you provide a written statement?

22 A I did.

23 MR. OLDS: Maybe we can mark that

24 as an exhibit, since we did it generically,

25 why don't we just call this Exhibit 2.

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1 (Whereupon, Deposition Exhibit No.
2 2 was marked for identification.)
3 MR. LANZILLO: Ed, what are you
4 going to do, just all of your exhibits number
5 sequentially from deponent to deponent?
6 MR. OLDS: Well, today I will just
7 because I'm going to refer to Exhibit 1 with
8 all of them. Just so it's not confusing.
9 Q Is this a statement that you wrote?
10 A It is.
11 Q One thing that you say in this statement that
12 you wrote for the police, and I guess I'm
13 about the fourth sentence down, you say, "I
14 stated that Mr. Yarbenet had (what I
15 considered to be) an inappropriate
16 teacher-student relationship with her. By
17 this I meant that I found it odd on several
18 occasions to find them conferring or meeting
19 behind closed doors before or after school in
20 the room that connects both his and my room.
21 I also discussed the fact that although I did
22 find them in these uncomfortable situations,
23 that I had never witnessed or believed that
24 there was any physical inappropriateness
25 involved. Mr. Yarbenet always seemed to

1 in that room? You wrote it was odd. You
2 say, "I found it odd on several occasions to
3 find them conferring or meeting behind closed
4 doors before or after school in the room that
5 connects both his and my room." So you
6 thought it was odd when you wrote this,
7 right?
8 A Odd.
9 Q And did you think that it was odd when you
10 observed it?
11 I mean, you thought it was odd when
12 you wrote it. You didn't observe it when you
13 wrote this document, Exhibit 2, you had
14 observed it earlier, right?
15 A Correct.
16 Q So did you find it out odd when you had
17 observed it?
18 A That's fair.
19 MR. OLDS: Let me mark this as
20 Exhibit 3.
21 (Whereupon, Deposition Exhibit No.
22 3 was marked for identification.)
23 Q This is a supplemental police report. This
24 is a report that the police officer wrote,
25 and I guess my first question would be have

1 justify these actions by explaining that the
2 families were close and that they were good
3 friends," end quote.
4 And so you wrote that, is that
5 right?
6 A I did.
7 Q And when you wrote this, you indicated to the
8 police that you thought it was an
9 inappropriate teacher-student relationship?
10 A In my definition.
11 Q And what is that definition?
12 A That he would put himself in a situation that
13 I wouldn't.
14 Q And you say you found it odd to find them
15 conferring or meeting behind closed doors
16 before or after school in the room that
17 connects both his and my room. Is there like
18 a table in that storage room or --
19 A No.
20 Q So they would just be in that room?
21 A Standing, talking.
22 Q So you did find that odd that they would be
23 in that room as opposed to maybe his
24 classroom, is that right?
25 I mean, that was odd for them to be

1 you ever seen this document before?
2 A I haven't read it.
3 Q But have you seen it?
4 A I saw it.
5 Q When did you see it?
6 A On Monday.
7 Q But you didn't read it or you haven't had
8 occasion to read it since then?
9 A No.
10 Q Aside from seeing this report on Monday, did
11 you look at any -- were you shown any other
12 documents on Monday?
13 A No.
14 Q So just this one?
15 A I wasn't shown this.
16 Q So you just saw it in the sense that, for
17 instance, it was held up and you could see
18 the sheet of paper?
19 A Yes.
20 Q And was this the only document in that
21 fashion that you saw or were shown when you
22 met with Mr. Lanzillo?
23 A Yes.
24 Q I would just have a couple questions here.
25 Your statement appears approximately maybe

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1 anything, a chairperson, anything like that?
 2 A Not at that time.
 3 Q Did Lee Manross ever talk to you about any
 4 concerns that he had about Yarbenet?
 5 A Yes.
 6 Q What did he talk to you about?
 7 A He wasn't preparing the kids for 7th grade
 8 science very well.
 9 Q Were you ever in a position to judge
 10 Yarbenet's effectiveness as a teacher?
 11 A Could you elaborate on what you mean?
 12 Q Well, I mean, did you -- I'll make it
 13 simpler. Did you form any conclusions
 14 yourself about Yarbenet's effectiveness as a
 15 science teacher?
 16 A Yes.
 17 Q What were they?
 18 A I didn't think that he was very good.
 19 Q You did not think that he was very good?
 20 A I did not.
 21 Q Why not?
 22 A Because his class usually exhibited chaos.
 23 It was always loud and out of control, which
 24 I could hear. I would often see them not
 25 working on anything, talking.

1 Q Worried?
 2 A Yes, worried.
 3 Q After that meeting, did Bob Snyder ever talk
 4 to you at all about Gregory Yarbenet?
 5 A No.
 6 Q When it sunk in that you were at that meeting
 7 to discuss whether Yarbenet was molesting
 8 students, can you recall what your reaction
 9 or impression to that information was once
 10 you realized that that was the purpose of the
 11 meeting?
 12 A I was shocked.
 13 Q Do you feel like there was anything you could
 14 have done to stop that?
 15 MR. LANZILLO: Objection to form.
 16 Go ahead.
 17 THE WITNESS: No.
 18 MR. OLDS: Why don't we take a
 19 little break here? I think I'm almost done.
 20 (Whereupon, a brief recess was
 21 taken.)
 22 BY MR. OLDS:
 23 Q Going back to that e-mail that we talked
 24 about right at the beginning of the
 25 deposition. You got an e-mail from

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1 Q Going back to the meeting that you had with
 2 the police officer and Mr. Snyder -- and I
 3 guess the superintendent was there?
 4 A Yes.
 5 Q Do you remember what time of day that meeting
 6 occurred?
 7 A Midmorning.
 8 Q And did Mr. Snyder come down to your
 9 classroom to bring you back up to that
 10 meeting?
 11 A No.
 12 Q So you were told to come to the meeting at
 13 the principal's office, is that right?
 14 A Yes.
 15 Q And so tell me, if you can recall, what was
 16 the first thing that was said to you when you
 17 walked into that office?
 18 A I sat down. I don't recall. I can tell you
 19 why.
 20 Q Why?
 21 A Because I was a little intimidated. I
 22 thought that something had happened to my
 23 family because I was not told why I was being
 24 called into the room, and when I saw police
 25 officers there, I was --

1 Mrs. S█████, and then you e-mailed it to
 2 Mr. McClelland, then Mr. McClelland gave you
 3 a reply. Did you talk about that with any of
 4 the other staff, the fact that you had
 5 received an e-mail from Mrs. S█████ and that
 6 Mr. McClelland had?
 7 A The ones who got it.
 8 Q Who got it besides you?
 9 A Lee Manross and Linda Tucci.
 10 MR. OLDS: I would like to mark
 11 that e-mail as an exhibit. So if you could
 12 give it to Mr. Lanzillo, he could make a copy
 13 of it, and then we'll mark it as an exhibit.
 14 So we'll mark that as Exhibit 4 and 5, I
 15 guess, but we'll mark the copies of those.
 16 MR. LANZILLO: Sure. I can make
 17 copies when we're done.
 18 (Whereupon, Deposition Exhibit Nos.
 19 4 and 5 were marked for identification.)
 20 Q You indicated that in your own opinion that
 21 you observed that Mr. Yarbenet's class was
 22 out of control oftentimes, that there wasn't
 23 any work being done, is that right?
 24 A Yes.
 25 Q Do you know whether Mr. Snyder ever visited

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